

CARRYOVER

LEGISLATION

**Bill Titles and Resolutions
Introduced in the
One Hundred Fifth Legislature, First Session, 2017,
and Pending Before the
One Hundred Fifth Legislature, Second Session, 2018**

January 3, 2018

03-01-10-2018

STATUS OF CARRYOVER

BILLS

AND

RESOLUTIONS

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One Hundred Fifth Legislature, First Session, 2017
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General File (105): (181 - 1/10/2018) 17 105 146 229 350 101 130 304 399
233 233A 135 81 100 321 349 177 93 158 384 347 368 160 198 39 614 96
355 193 469 469A 124 377 LR6 LR18CA 655 248 285 173 243 258 310
472 78 515 256 345 486 157 618 275 LR16CA 449 394 589 480 98 51 211
117 365 494 628 595 358 127 479 666 192 556 622 611 420 83 363 246
661 356 356A 428 490 401 220 562 366 516 497 629 400 565 634 461 596
640 411 25 351 351A 439 LR1CA 651 541 482 295

Select File (9): 447 447A 291 44 44A 68 632 632A 496

BILLS HELD BY COMMITTEES:

Agriculture (4): 260 477 499 617

Appropriations (27): 23 24 71 115 150 189 205 206 221 242 270 281 302
303 378 379 416 465 493 513 514 524 538 545 580 620 621

Bank., Com. & Ins. (19): 21 66 116 141 194 208 213 286 292 324 386 474
550 551 559 582 594 604 643

Business & Labor (16): 147 170 212 261 305 319 354 372 408 436 473 503
507 553 598 609

Education (30): 14 58 103 109 123 144 155 175 214 235 247 265 308 396
398 457 484 511 521 525 540 554 568 569 571 575 608 630 650 662

Executive Board (7): 216 442 646 648 653 LR3 LR46

General Affairs (4): 73 254 393 631

Gov., Mil. & Vet. Affs. (43): 27 36 76 90 111 112 139 153 163 183 197 237
240 252 277 290 299 309 314 316 364 369 388 421 422 423 426 431 433
437 485 510 567 581 603 619 652 663 664 665 LR15CA LR71 LR257

Hlth. & Human Serv. (26): 33 50 59 64 120 128 179 224 227 284 311 343
344 360 391 402 441 456 466 495 534 537 552 586 588 649

Judiciary (56): 7 26 37 47 53 60 67 84 102 104 107 108 136 162 165 168
199 201 202 226 245 250 269 353 359 367 381 397 405 424 434 435 440
446 450 491 500 501 502 505 520 527 529 542 544 560 577 585 593 606
615 623 637 638 656 658

Natural Resources (9): 218 390 392 448 504 536 610 635 636

Nebr. Ret. Sys. (5): 30 412 414 532 548

Revenue (67): 12 15 48 49 52 65 69 77 118 121 126 129 169 174 215 228
232 236 238 249 251 266 272 288 312 313 322 325 326 337 338 361 362
373 374 380 385 387 438 443 452 453 462 467 468 475 498 528 531 543
546 555 557 561 563 564 570 572 576 592 599 601 602 613 616 633
LR17CA

Trans. & Telecom. (25): 41 42 43 54 55 70 82 114 143 156 279 294 357
389 410 459 460 471 522 523 573 587 612 627 654

Urban Affairs (5): 95 262 489 579 591

(Totals in parentheses include bills, A bills, and resolutions of each section.)

TITLES TO BILLS**LEGISLATIVE BILL 7.** Introducer by Krist, 10.

A BILL FOR AN ACT relating to jails and correctional facilities; to amend section 47-706, Revised Statutes Cumulative Supplement, 2016; to provide for suspension of medical assistance for detainees in public institutions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 12. Introducer by Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3510 and 77-3514, Revised Statutes Cumulative Supplement, 2016; to change homestead exemption requirements relating to income statements and certifications of status; and to repeal the original sections.

LEGISLATIVE BILL 14. Introducer by Krist, 10; McCollister, 20; Brewer, 43.

A BILL FOR AN ACT relating to education; to state intent; and to provide for successful completion of a civics test as a prerequisite to high school graduation as prescribed.

LEGISLATIVE BILL 15. Introducer by Craighead, 6.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2016; to adopt the First-Time Home Buyer Savings Account Act; to provide for income tax adjustments as prescribed; and to repeal the original section.

LEGISLATIVE BILL 17. Introducer by Craighead, 6.

A BILL FOR AN ACT relating to real property; to amend sections 76-2228.02, 76-3201, 76-3202, 76-3203, 76-3204, 76-3205, 76-3206, 76-3207, 76-3208, 76-3210, 76-3212, 76-3213, 76-3214, 76-3215, 76-3216, and 76-3217, Revised Statutes Cumulative Supplement, 2016; to change and eliminate provisions relating to the Real Property Appraiser Act and the Nebraska Appraisal Management Company Registration Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 21. Introducer by Riepe, 12; Linehan, 39.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1439.01, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to primary and secondary motor vehicle insurance coverage for loaned vehicles; and to repeal the original section.

LEGISLATIVE BILL 23. Introducer by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend sections 12-1301, 19-102, 19-103, 24-231, 29-3921, 60-3,218, 68-940.01, 71-7450, 81-179, 81-638, 81-885.15, 81-1558, 85-1414.01, and Reissue Revised Statutes of Nebraska, sections 2-1222, 60-1409, 66-204, and 85-1414.01, Revised Statutes Cumulative Supplement, 2016, and Laws 2015, LB661, section 4; to provide for transfers of funds; to harmonize provisions; to terminate funds; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 24. Introducer by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2016; to provide for a transfer; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 25. Introducer by Murante, 49.

A BILL FOR AN ACT relating to presidential electors; to amend sections 32-710, 32-713, 32-714, and 32-1038, Reissue Revised Statutes of Nebraska; to change provisions relating to ballots cast by presidential electors; and to repeal the original sections.

LEGISLATIVE BILL 26. Introducer by Murante, 49.

A BILL FOR AN ACT relating to harassment protection orders; to amend section 28-311.09, Reissue Revised Statutes of Nebraska; to change service requirements for such orders; and to repeal the original section.

LEGISLATIVE BILL 27. Introducer by Murante, 49.

A BILL FOR AN ACT relating to state and local government; to amend sections 81-1118, 81-1348, and 84-321, Reissue Revised Statutes of Nebraska, and sections 13-513, 73-506, 84-304, and 84-311, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the Nebraska Budget Act; to provide for late fees and remedial fees; to change provisions relating to the duration of certain state agency contracts and membership of the Suggestion Award Board; to authorize additional assistant deputies for and sharing of working papers by the Auditor of Public Accounts; to provide the rate of interest on and liability for certain delinquent payments; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 30. Introducer by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to provide for a cash balance benefit plan by cities of the metropolitan class and primary class for certain police officers or firefighters as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 33. Introducer by Ebke, 32.

A BILL FOR AN ACT relating to vital statistics; to amend section 71-612, Revised Statutes Cumulative Supplement, 2016; to change fees for multiple copies of death certificates; and to repeal the original section.

LEGISLATIVE BILL 36. Introducer by Harr, 8; McCollister, 20.

A BILL FOR AN ACT relating to state agencies; to amend section 84-920, Revised Statutes Cumulative Supplement, 2016; to change provisions of the Administrative Procedure Act; to provide for review by agencies of occupational credentials as prescribed; to provide for a critical assessment document; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 37. Introducer by Harr, 8.

A BILL FOR AN ACT relating to garnishment; to amend sections 25-1056, 25-1552, 36-213, and 43-3334, Reissue Revised Statutes of Nebraska; to adopt the Uniform Wage Garnishment Act; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal section 25-1558, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 39. Introducer by Harr, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101 and 29-820, Reissue Revised Statutes of Nebraska; to prohibit the purchase, sale, offer for sale, trade, or barter of ivory as prescribed; to define a term; to provide a penalty; to provide for the disposition of ivory seized as contraband; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 41. Introducer by Hilkemann, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,268, Revised Statutes Cumulative Supplement, 2016; to change child passenger restraint system enforcement from a secondary offense to a primary offense; and to repeal the original section.

LEGISLATIVE BILL 42. Introducer by Hilkemann, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,265, 60-6,267, and 71-1907, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to occupant protection systems for children; to adopt certain federal safety provisions; and to repeal the original sections.

LEGISLATIVE BILL 43. Introducer by Hilkemann, 4.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-435, 86-457, and 86-903, Reissue Revised Statutes of Nebraska; to change provisions relating to surcharges for 911 service; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 44. Introducer by Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Remote Seller Sales Tax Collection Act; and to declare an emergency.

LEGISLATIVE BILL 44A. Introducer by Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 44, One Hundred Fifth Legislature, First Session, 2017; and to declare an emergency.

LEGISLATIVE BILL 47. Introducer by Watermeier, 1; Halloran, 33.

A BILL FOR AN ACT relating to county government; to amend sections 23-1822, 33-138, 33-139, and 48-135, Reissue Revised Statutes of Nebraska; to change provisions relating to the payment of fees and costs associated with grand juries and the deaths of incarcerated persons; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 48. Introducer by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2016; to provide an income tax adjustment relating to certain gains on the sale of real estate; and to repeal the original section.

LEGISLATIVE BILL 49. Introducer by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2714, Reissue Revised Statutes of Nebraska, and section 77-2701, Revised Statutes Cumulative Supplement, 2016; to provide for the treatment of certain amendments to the Internal Revenue Code; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 50. Introducer by Schumacher, 22.

A BILL FOR AN ACT relating to behavioral health services; to amend section 71-801, Revised Statutes Cumulative Supplement, 2016; to provide duties for the Division of Behavioral Health of the Department of Health and Human Services and the regional governing authorities; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 51. Introducer by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1859, Reissue Revised Statutes of Nebraska, and sections 19-5217, 77-1807, 77-1812, 77-1824, 77-1825, and 77-1831, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to sales of real property for nonpayment of taxes; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 52. Introducer by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Modern Tax Act; to impose a tax on the interest paid on certain loans; and to provide an operative date.

LEGISLATIVE BILL 53. Introducer by Schumacher, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-105 and 29-2221, Reissue Revised Statutes of Nebraska; to change provisions relating to mandatory minimum sentencing and sentencing of habitual criminals; to provide for three-judge panel sentencing hearings as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 54. Introducer by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,168, Reissue Revised Statutes of Nebraska; to change provisions relating to unattended motor vehicles; and to repeal the original section.

LEGISLATIVE BILL 55. Introducer by Schumacher, 22.

A BILL FOR AN ACT relating to county roads maintenance; to amend section 39-1811, Reissue Revised Statutes of Nebraska; to change a provision relating to the frequency of the mowing of weeds by landowners; and to repeal the original section.

LEGISLATIVE BILL 58. Introducer by Craighead, 6; Brasch, 16; Erdman, 47; Kintner, 2.

A BILL FOR AN ACT relating to schools; to amend section 79-2,136, Reissue Revised Statutes of Nebraska; to change provisions relating to participation in school-sponsored extracurricular activities; and to repeal the original section.

LEGISLATIVE BILL 59. Introducer by Murante, 49; Brasch, 16; Brewer, 43; Erdman, 47; Kintner, 2.

A BILL FOR AN ACT relating to health care facilities; to amend section 71-401, Revised Statutes Cumulative Supplement, 2016; to require the Department of Health and Human Services and health care facilities to provide information regarding abortion; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 60. Introducer by Lindstrom, 18; Friesen, 34; Groene, 42.

A BILL FOR AN ACT relating to the Parenting Act; to amend section 43-2933, Reissue Revised Statutes of Nebraska; to change provisions relating to limitation or denial of custody or access to a child; and to repeal the original section.

LEGISLATIVE BILL 64. Introducer by Hansen, 42.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Adrenal Insufficiency Diagnosis Information and Support Act.

LEGISLATIVE BILL 65. Introducer by Hansen, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2016; to provide income tax credits for caregivers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 66. Introducer by Hansen, 42.

A BILL FOR AN ACT relating to the Uninsured and Underinsured Motorist Insurance Coverage Act; to amend sections 44-6410 and 44-6411, Reissue Revised Statutes of Nebraska; to change provisions relating to stacking of coverage; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 67. Introducer by Brasch, 16; Brewer, 43; Erdman, 47; Groene, 42; Halloran, 33; Kintner, 2; Lowe, 37.

A BILL FOR AN ACT relating to trade practices; to adopt the Fair Repair Act.

LEGISLATIVE BILL 68. Introducer by Hilgers, 21; Brewer, 43; Ebke, 32; Geist, 25; Groene, 42; Kolterman, 24; Larson, 40; Lindstrom, 18; Lowe, 37; Murante, 49; Watermeier, 1; Bostelman, 23; Kintner, 2; Halloran, 33; Brasch, 16; Clements, 2.

A BILL FOR AN ACT relating to firearms; to amend sections 15-255, 17-556, and 18-1703, Reissue Revised Statutes of Nebraska, and sections 14-102, 16-227, and 23-187, Revised Statutes Cumulative Supplement, 2016; to prohibit certain regulation of firearms, ammunition, and firearm accessories by cities, villages, and counties as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 69. Introducer by Pansing Brooks, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2016; to increase the earned income tax credit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 70. Introducer by Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,109, Reissue Revised Statutes of Nebraska, and section 60-4,108, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to operator's license revocation; and to repeal the original sections.

LEGISLATIVE BILL 71. Introducer by Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Tree Recovery Program; to amend section 72-1902, Reissue Revised Statutes of Nebraska; to change legislative intent relating to appropriations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 73. Introducer by Riepe, 12.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418, 28-1418.01, 28-1419, 28-1421, 28-1424, 28-1425, 28-1427, and 28-1429.01, Reissue Revised Statutes of Nebraska; to prohibit the use, consumption, or obtaining of tobacco, vapor products, and alternative nicotine products by persons under twenty-one years of age; to prohibit the sale or transfer of tobacco, vapor products, and alternative nicotine products to persons under twenty-one years of age; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 76. Introducer by Wayne, 13; McDonnell, 5; Morfeld, 46.

A BILL FOR AN ACT relating to elections; to amend sections 29-112, 29-2264, 32-313, and 83-1,102, Reissue Revised Statutes of Nebraska, and section 83-187, Revised Statutes Cumulative Supplement, 2016; to require filing of certain orders and abstracts with the Secretary of State regarding felons; to provide and change powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 77. Introducer by Crawford, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2711, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to access to sales and use tax information by municipalities; and to repeal the original section.

LEGISLATIVE BILL 78. Introducer by Crawford, 45; Blood, 3.

A BILL FOR AN ACT relating to state highways; to amend section 39-1314, Reissue Revised Statutes of Nebraska; to change a provision relating to relinquishment or abandonment of a highway fragment, section, or route as prescribed; and to repeal the original section.

LEGISLATIVE BILL 81. Introducer by Blood, 3.

A BILL FOR AN ACT relating to handgun certificates; to amend section 69-2404, Reissue Revised Statutes of Nebraska; to change the application fee for such certificates; and to repeal the original section.

LEGISLATIVE BILL 82. Introducer by Blood, 3.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend section 60-601, Revised Statutes Cumulative Supplement, 2016; to require the department to include certain traffic stop safety information in the Nebraska Driver's Manual; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 83. Introducer by Blood, 3; Linehan, 39; McDonnell, 5; Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,233, Reissue Revised Statutes of Nebraska; to allow physician medical directors to display certain vehicle lights as prescribed; to define a term; and to repeal the original section.

LEGISLATIVE BILL 84. Introducer by Blood, 3.

A BILL FOR AN ACT relating to driving under the influence; to amend section 60-601, Revised Statutes Cumulative Supplement, 2016; to provide for the admissibility in any civil action of evidence of damages as a result of driving under the influence; and to repeal the original section.

LEGISLATIVE BILL 90. Introducer by Hughes, 44.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-305, Revised Statutes Cumulative Supplement, 2016; to provide for suitable accommodations by a public entity to an auditor employee as prescribed; and to repeal the original section.

LEGISLATIVE BILL 93. Introducer by Hansen, 42; Ebke, 32.

A BILL FOR AN ACT relating to law enforcement; to adopt the Automatic License Plate Reader Privacy Act.

LEGISLATIVE BILL 95. Introducer by Crawford, 45; McCollister, 20.

A BILL FOR AN ACT relating to the cities and villages; to amend sections 18-2102.01, 18-2109, 18-2111, 18-2113, 18-2116, and 18-2117.01, Reissue Revised Statutes of Nebraska, and sections 18-2115, 18-2119, and 18-2147, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the Community Development Law and tax-increment financing; and to repeal the original sections.

LEGISLATIVE BILL 96. Introducer by Crawford, 45; Blood, 3; Hansen, 42.

A BILL FOR AN ACT relating to economic development; to amend section 81-12,147, Revised Statutes Cumulative Supplement, 2016; to provide an eligible activity for assistance from the Site and Building Development Fund as prescribed; and to repeal the original section.

LEGISLATIVE BILL 98. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-3225 and 77-3442, Revised Statutes Cumulative Supplement, 2016; to extend certain levy authority for natural resources districts; and to repeal the original sections.

LEGISLATIVE BILL 100. Introducer by Stinner, 48.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend section 71-963, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to petitions for removal of a person's firearm-related disabilities; and to repeal the original section.

LEGISLATIVE BILL 101. Introducer by Stinner, 48.

A BILL FOR AN ACT relating to state government; to amend section 81-1118, Reissue Revised Statutes of Nebraska, and section 73-506, Revised Statutes Cumulative Supplement, 2016; to change duration requirements for certain state agency contracts; and to repeal the original sections.

LEGISLATIVE BILL 102. Introducer by Hilkemann, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-919, Reissue Revised Statutes of Nebraska; to change a penalty relating to tampering with witnesses or informants; and to repeal the original section.

LEGISLATIVE BILL 103. Introducer by Murante, 49; Ebke, 32.

A BILL FOR AN ACT relating to education; to amend sections 79-1105, 79-1106, 79-1107, 79-1108, 79-1108.01, 79-1108.02, and 79-1108.03, Reissue Revised Statutes of Nebraska; to state findings; to change provisions relating to accelerated or differentiated curriculum programs; to require establishment of high-ability-learners'€™ focus groups; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 104. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to health care decisions; to amend sections 20-405, 30-2628, 30-3420, and 83-4,157, Reissue Revised Statutes of Nebraska, and section 71-4843, Revised Statutes Cumulative Supplement, 2016; to provide for a surrogate to make health care decisions; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 105. Introducer by Brasch, 16.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1552 and 25-1556, Reissue Revised Statutes of Nebraska; to change provisions relating to personal property exemptions in cases of forced sale on execution or attachment; and to repeal the original sections.

LEGISLATIVE BILL 107. Introducer by Crawford, 45; McDonnell, 5; Blood, 3; Hansen, 42.

A BILL FOR AN ACT relating to crimes and punishment; to amend sections 28-101, 28-318, 28-319, 28-319.01, 28-320, 28-320.01, 28-320.02, 28-813.01, 28-1463.04, and 28-1463.05, Reissue Revised Statutes of Nebraska; to prohibit sexual assault of a patient or client or a student; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 108. Introducer by Crawford, 45.

A BILL FOR AN ACT relating to incarceration; to amend section 29-410, Reissue Revised Statutes of Nebraska, and section 83-186.01, Revised Statutes Cumulative Supplement, 2016; section 29-2261, Revised Statutes Cumulative Supplement, 2014, as amended by Laws 2015, LB504, section 1, to require guidelines to ensure safety of minor or dependent children upon arrest of a parent or guardian; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 109. Introducer by Blood, 3; Crawford, 45.

A BILL FOR AN ACT relating to schools; to amend section 79-813, Reissue Revised Statutes of Nebraska; to provide for issuance of a temporary certificate or permit to the spouse of a military member based on reciprocity as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 111. Introducer by Hansen, 42.

A BILL FOR AN ACT relating to county officers; to amend sections 32-517, 32-518, 32-519, 32-520, 32-521, 32-522, 32-523, 32-524, 32-525, 32-526, 32-528, 32-529, and 32-609, Reissue Revised Statutes of Nebraska; to provide for nomination and election of county officers on the nonpartisan ballot; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 112. Introducer by Hansen, 42.

A BILL FOR AN ACT relating to elections; to amend sections 32-202, 32-314, 32-329, 32-915, 32-929, 32-933, 32-935, 32-936, 32-1002, 32-1530, and 32-1532, Reissue Revised Statutes of Nebraska; to provide duties for the Secretary of State; to change provisions relating to voter registration and provisional ballots; to authorize provisional ballots for registered voters changing residence within Nebraska; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 114. Introducer by Craighead, 6.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,220, 60-6,221, and 60-6,222, Reissue Revised Statutes of Nebraska, and section 60-6,219, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to motor vehicle lighting requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 115. Introducer by Harr, 8.

A BILL FOR AN ACT relating to state funds; to direct the Nebraska Tourism Commission to provide for certain uses of a fund.

LEGISLATIVE BILL 116. Introducer by Harr, 8.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-310, Revised Statutes Cumulative Supplement, 2016; to redefine the term automobile liability policy and change coverage provisions; and to repeal the original section.

LEGISLATIVE BILL 117. Introducer by Hilkemann, 4; Kolterman, 24.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Investigational Drug Use Act.

LEGISLATIVE BILL 118. Introducer by Hilkemann, 4; Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2016; to adopt the Education Savings Account Act; to provide income tax adjustments; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 120. Introducer by Schumacher, 22.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-911, Revised Statutes Cumulative Supplement, 2016; to require a state plan amendment relating to coverage for family planning services; to state intent relating to appropriations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 121. Introducer by Brewer, 43; Kintner, 2; Halloran, 33; Lowe, 37; Blood, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the taxation of military retirement benefits; and to repeal the original section.

LEGISLATIVE BILL 123. Introducer by Pansing Brooks, 28.

A BILL FOR AN ACT relating to postsecondary educational institutions; to amend sections 85-173, 85-2401, 85-2403, and 85-2405, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide duties; to establish the Guaranty Recovery Cash Fund; to assess for-profit postsecondary institutions; to require bonds or other security agreements; to authorize claims resulting from the termination of operations; to change and eliminate provisions relating to educational institutions ceasing to function; to harmonize provisions; to repeal the original sections; and to outright repeal section 85-175, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 124. Introducer by Baker, 44; Groene, 42; Hilkemann, 4; Hughes, 44; Kolterman, 24; Krist, 10; Stinner, 48; Williams, 36.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1534, Reissue Revised Statutes of Nebraska; to change a probationary period

for teaching staff; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 126. Introducer by Groene, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2912 and 77-5725, Revised Statutes Cumulative Supplement, 2016; to change sunset dates under the Nebraska Job Creation and Mainstreet Revitalization Act and the Nebraska Advantage Act; and to repeal the original sections.

LEGISLATIVE BILL 127. Introducer by Groene, 42.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1411, Reissue Revised Statutes of Nebraska; to change provisions relating to notice of meetings of public bodies; and to repeal the original section.

LEGISLATIVE BILL 128. Introducer by Groene, 42.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to ineligibility for Supplemental Nutrition Assistance Program benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 129. Introducer by Morfeld, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2016; to increase the earned income tax credit; and to repeal the original section.

LEGISLATIVE BILL 130. Introducer by Urban Affairs Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 42; Howard, 9; Larson, 40; Quick, 35; Riepe, 12.

A BILL FOR AN ACT relating to annexation; to amend sections 31-763, 31-764, 31-765, 31-766, and 35-514, Reissue Revised Statutes of Nebraska; to change provisions relating to annexation by municipalities of a sanitary and improvement district, road improvement district, or fire protection district; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 135. Introducer by Lowe, 37.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 81-2,163 and 81-2,164.03, Reissue Revised Statutes of Nebraska; to change provisions relating to publicity; to eliminate a publication provision; to eliminate the power of the Director of Agriculture to designate a bureau as prescribed; to change provisions relating to the Agricultural Products Marketing Information Cash Fund; to repeal the original sections; and to outright repeal sections 81-2,164, 81-2,164.01, and 81-2,164.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 136. Introducer by Ebke, 32.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1029 and 25-1056, Reissue Revised Statutes of Nebraska; to provide for release of certain property attached pursuant to an order of garnishment as prescribed; to change provisions relating to the effect of garnishment summons issued to financial institutions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 139. Introducer by Crawford, 45.

A BILL FOR AN ACT relating to county officers; to amend sections 32-101, 32-517, 32-518, 32-519, 32-520, 32-521, 32-522, 32-523, 32-524, 32-525, 32-526, 32-528, and 32-529, Reissue Revised Statutes of Nebraska; to authorize voters to vote regarding partisan or nonpartisan ballots for nomination and election of county officers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 141. Introducer by Williams, 36.

A BILL FOR AN ACT relating to unclaimed property; to amend sections 2-1223, 8-170, 9-645, 21-1737, 21-19,145, 24-345, 24-708, 25-2717, 43-3344, 44-4845, 79-932, 79-956, 81-2025, 84-617, and 84-1317, Reissue Revised Statutes of Nebraska, and sections 21-2,202, 23-2315, 69-2304, and 69-2308, Revised Statutes Cumulative Supplement, 2016; to adopt the Revised Uniform Unclaimed Property Act; to eliminate the Uniform Disposition of Unclaimed Property Act; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal sections 69-1302, 69-1303, 69-1304, 69-1305, 69-1305.01, 69-1305.02, 69-1305.03, 69-1306, 69-1307, 69-1307.01, 69-1307.02, 69-1307.03, 69-1307.04, 69-1307.05, 69-1308, 69-1309, 69-1310, 69-1311, 69-1312, 69-1313, 69-1314, 69-1315, 69-1316, 69-1318, 69-1318.01, 69-1319, 69-1320, 69-1321, 69-1322, 69-1323, 69-1324, 69-1325, 69-1326, 69-1327, and 69-1328, Reissue Revised Statutes of Nebraska, and sections 69-1301, 69-1307.06, 69-1307.07, 69-1317, and 69-1329, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 143. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-363, Revised Statutes Cumulative Supplement, 2016; to provide a duty to carry exception for public power district motor vehicle or trailer registration certificates; and to repeal the original section.

LEGISLATIVE BILL 144. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1016, Reissue Revised Statutes of Nebraska; to change the calculation of adjusted valuation for agricultural and horticultural land; and to repeal the original section.

LEGISLATIVE BILL 146. Introducer by Hansen, 42.

A BILL FOR AN ACT relating to the Nebraska Probation Administration Act; to amend section 29-2264, Reissue Revised Statutes of Nebraska; to provide for set-asides of infractions as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 147. Introducer by Hansen, 42.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-125, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to additional compensation for waiting time, termination of compensation, and awarding of attorney's fees; and to repeal the original section.

LEGISLATIVE BILL 150. Introducer by Stinner, 48.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2016; to provide for transfers; and to repeal the original section.

LEGISLATIVE BILL 153. Introducer by Kuehn, 38.

A BILL FOR AN ACT relating to lobbying; to amend section 49-1492, Reissue Revised Statutes of Nebraska; to prohibit certain former officeholders and public employees from being lobbyists as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 155. Introducer by Brasch, 16.

A BILL FOR AN ACT relating to education; to state intent; and to provide for successful completion of a civics test as a prerequisite to high school graduation as prescribed.

LEGISLATIVE BILL 156. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to the 911 Service System Act; to amend section 86-1001, Revised Statutes Cumulative Supplement, 2016; to eliminate a termination date; to harmonize provisions; to repeal the original section; and to outright repeal section 86-1030, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 157. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-316, 86-318, 86-328, 86-902, 86-903, 86-904, and 86-905, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change a provision of the Nebraska Telecommunications Universal Service Fund Act; to change the prepaid wireless surcharge determination and duties of sellers and the Department of Revenue under the Prepaid Wireless Surcharge Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 158. Introducer by Pansing Brooks, 28; Hansen, 42.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-272 and 43-3102, Reissue Revised Statutes of Nebraska; to change provisions relating to appointment of counsel for juveniles and standards for guardians ad litem and attorneys in juvenile court; to provide for rescission of a waiver of counsel by a juvenile; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 160. Introducer by McCollister, 20.

A BILL FOR AN ACT relating to crime victims; to amend section 29-119, Reissue Revised Statutes of Nebraska; to redefine victim; and to repeal the original section.

LEGISLATIVE BILL 162. Introducer by Krist, 10.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-111, 28-502, 28-503, 28-519, 28-918, 28-919, 28-920, and 28-1354, Reissue Revised Statutes of Nebraska; to change provisions relating to criminal mischief; to change and provide additional penalties for bribing or tampering with witnesses or informants and bribing a juror or jury tampering; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 163. Introducer by Vargas, 7; Blood, 3; Chambers, 11; Kolowski, 31; Krist, 10; Linehan, 39; McDonnell, 5; Morfeld, 46; Wayne, 13; Wishart, 27.

A BILL FOR AN ACT relating to elections; to amend sections 32-904, 32-938, and 32-942, Reissue Revised Statutes of Nebraska; to provide for additional polling places prior to an election; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 165. Introducer by Brewer, 43; Kintner, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2753, Reissue Revised Statutes of Nebraska; to require employer identification numbers and use of the federal immigration verification system as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 168. Introducer by Ebke, 32.

A BILL FOR AN ACT relating to insurance; to amend section 44-3,128.01, Reissue Revised Statutes of Nebraska; to change provisions relating to rights of subrogation of medical payments with respect to automobile liability policies; and to repeal the original section.

LEGISLATIVE BILL 169. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2016; to exempt social security benefits and retirement income from taxation as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 170. Introducer by Albrecht, 17.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

LEGISLATIVE BILL 173. Introducer by Morfeld, 46; Crawford, 45; Hansen, 42; Howard, 9; Kolowski, 31; McCollister, 20; Pansing Brooks, 28; Vargas, 7; Walz, 15; Wayne, 13; Wishart, 27.

A BILL FOR AN ACT relating to discrimination; to amend sections 18-1724, 23-2525, 23-2531, 23-2541, 29-401, 48-215, 48-628.01, 48-1101, 48-1104, 48-1105, 48-1106, 48-1107, 48-1113, 48-1115, 48-1119, 48-1122, 48-1124, 49-801, 81-1355, and 81-1356, Reissue Revised Statutes of Nebraska, and sections 48-1111 and 48-1117, Revised Statutes Cumulative Supplement, 2016; to prohibit discrimination based upon sexual orientation and gender identity as prescribed; to change the Nebraska Fair Employment Practice Act; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 174. Introducer by Morfeld, 46; Quick, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2016; to adopt the Apprenticeship Training Program Tax Credit Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 175. Introducer by Morfeld, 46.

A BILL FOR AN ACT relating to students; to adopt the Student Online Personal Protection Act.

LEGISLATIVE BILL 177. Introducer by Bostelman, 23.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-308, 66-1401, 66-1403, 66-1411, and 75-385, Reissue Revised Statutes of Nebraska, and sections 60-3,198 and 66-712, Revised Statutes Cumulative Supplement, 2016; to redefine apportionable vehicle and change provisions relating to fleet vehicles under the Motor Vehicle Registration Act; motor fuel tax collection and enforcement; to change provisions relating to the International Fuel Tax Agreement Act and the Compressed Fuel Tax Act; to eliminate the requirement of appointment of the Administrator of Motor Carrier Services by the Director of Motor Vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 179. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to children and youth; to amend sections 29-2260.02, 43-1311.03, 43-4502, 43-4504, 43-4505, 43-4508, 43-4510, 43-4511.01, and 43-4514, Reissue Revised Statutes of Nebraska, and section 71-1902, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the Title IV-E state plan and a written independent living transition proposal as prescribed; to change provisions relating to intent, eligibility,

extended services and support, and court-appointed representation under the Young Adult Bridge to Independence Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 181. Introducer by Quick, 35; Chambers, 11; Crawford, 45; Hansen, 42; Howard, 9; McDonnell, 5; Pansing Brooks, 28; Vargas, 7.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-134, Reissue Revised Statutes of Nebraska; to provide for reimbursement to employees for certain medical examinations; and to repeal the original section.

LEGISLATIVE BILL 183. Introducer by Hughes, 44.

A BILL FOR AN ACT relating to elections; to amend sections 32-101, 32-517, 32-518, 32-519, 32-520, 32-521, 32-522, 32-523, 32-524, 32-525, 32-526, 32-528, 32-529, 32-615, 32-810, 32-811, 32-813, 32-814, 32-815, and 32-817, Reissue Revised Statutes of Nebraska; to change provisions relating to nomination and election of county officers in certain counties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 189. Introducer by Howard, 9; Bolz, 29; Pansing Brooks, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services for recruitment and retention of caseworkers.

LEGISLATIVE BILL 192. Introducer by Pansing Brooks, 28.

A BILL FOR AN ACT relating to juries; to amend sections 25-412.04, 25-1107.01, 25-1108, 25-1121, 25-1313, 25-1601, 25-1601.03, 25-1602, 25-1603, 25-1606, 25-1607, 25-1611, 25-1612, 25-1625, 25-1626, 25-1627, 25-1628, 25-1629, 25-1629.01, 25-1629.02, 25-1631, 25-1631.03, 25-1632, 25-1632.01, 25-1633, 25-1634, 25-1634.01, 25-1634.02, 25-1635, 25-1636, 25-1637, 25-1639, 25-1640, 25-1641, 25-2705, 28-916, 29-1201, 29-2003, 29-2011, 29-2017, 29-2023, and 33-138, Reissue Revised Statutes of Nebraska; to name the Jury Selection Act; to define terms; to change provisions relating to juror qualifications and exemptions and excuses from jury service; to change terminology relating to juries; to change provisions relating to jury lists and summoning juries, jury commissioners, initial and subsequent jury panels, excess jurors, special jury panels in criminal cases, extra jurors, tales jurors, grand juries, jurors' notes, jurors viewing property or a place material to litigation, demands for jury trials, and compensation for jurors; to provide duties for clerk magistrates; to change terminology relating to verdicts and court proceedings; to harmonize provisions; to repeal the original sections; and to outright repeal sections 25-1609, 25-1626.02, 25-1627.01, 25-1629.03, 25-1629.04, 25-1630, 25-1633.01, 25-1634.03, 25-1642, and 25-1643, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 193. Introducer by Pansing Brooks, 28.

A BILL FOR AN ACT relating to courts; to amend section 29-2407, Reissue Revised Statutes of Nebraska, 2008, sections 15-1202, 15-1203, 24-303, 24-729, 25-410, 25-412, 25-533, 25-602, 25-901, 25-915, 25-1031.02, 25-1121, 25-1126, 25-1129, 25-1149, 25-1301, 25-1301.01, 25-1303, 25-1305, 25-1318, 25-1415, 25-1416, 25-1504, 25-1510, 25-1521, 25-1531, 25-1578, 25-1587.04, 25-1587.06, 25-1635, 25-1912, 25-21,212, 25-21,228, 25-21,271, 25-2205, 25-2207, 25-2209, 25-2211, 25-2213, 25-2234, 25-2704, 25-2706, 25-2707, 25-2721, 25-2729, 25-2731, 25-3401, 28-814, 29-1302, 29-1407.01, 29-1414, 29-1418, 29-1705, 29-1802, 29-1816.01, 29-2001, 29-2023, 29-2315.01, 29-2321, 29-2413, 29-3903, 29-4007, 30-2429.01, 30-2488, 30-2608, 31-320, 31-329, 32-1412, 33-103, 33-106, 33-106.01, 33-106.02, 33-106.03, 33-107.02, 33-131, 33-140.03, 35-102, 37-1283, 42-364, 42-372.02, 43-102, 43-2,108, 43-2,112, 43-2,113, 43-1906, 44-2006, 46-554, 48-1119, 76-717, 76-723, 81-8,211, 81-1848.03, and 84-712.03, Reissue Revised Statutes of Nebraska, and sections 16-729, 44-4828, 48-3511, 50-406, 60-166, and 71-6903, Revised Statutes Cumulative Supplement, 2016; to define terms; to change and eliminate record and recording requirements and change terminology; to provide for, change, and eliminate provisions relating to retention and disposition of records; to change provisions relating to the duties of court clerks; to eliminate a filing requirement for volunteer fire departments; to provide a duty for the State Court Administrator; to harmonize provisions; to repeal the original sections; and to outright repeal sections 24-337, 24-348, 25-1319, 25-1320, 25-1321, 25-1322, 25-2210, 25-2211.01, 25-2211.02, and 25-2616, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 194. Introducer by Vargas, 7; Linehan, 39; Albrecht, 17; Blood, 3; Pansing Brooks, 28.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend sections 45-804, 45-902, 45-904, 45-906, 45-907, 45-908, 45-911, 45-915, 45-915.01, 45-917, 45-918, 45-919, 45-921, 45-922, 45-923, 45-925, and 45-1001, Reissue Revised Statutes of Nebraska, and sections 45-901, 45-910, and 45-927, Revised Statutes Cumulative Supplement, 2016; to change provisions of the Credit Services Organization Act, the Delayed Deposit Services Licensing Act, and the Nebraska Installment Loan Act; to define and redefine terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 197. Introducer by Kolowski, 31.

A BILL FOR AN ACT relating to elections; to amend sections 32-808, 32-941, and 32-943, Reissue Revised Statutes of Nebraska; to provide for application for ballots to vote early on the Secretary of State's web site; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 198. Introducer by McCollister, 20.

A BILL FOR AN ACT relating to the Crimes Against Children Fund; to amend section 81-1429.01, Reissue Revised Statutes of Nebraska; to terminate the fund; and to repeal the original section.

LEGISLATIVE BILL 199. Introducer by McCollister, 20.

A BILL FOR AN ACT relating to counties; to eliminate certain state aid to counties; and to outright repeal sections 23-362 and 23-362.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 201. Introducer by Lowe, 37.

A BILL FOR AN ACT relating to criminal law; to amend sections 28-915, 29-812, 29-813, 29-814.01, 29-814.02, 29-814.04, 29-814.05, 29-814.06, 29-815, 29-817, and 29-821, Reissue Revised Statutes of Nebraska, and section 21-2,212, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to perjury; to change and eliminate provisions relating to the issuance of search warrants; to harmonize provisions; to repeal the original sections; and to outright repeal section 29-814.03, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 202. Introducer by Lowe, 37.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-901, Reissue Revised Statutes of Nebraska; to create the offense of obstructing government operations by refusal to submit to a chemical test authorized by search warrant; to provide penalties; and to repeal the original section.

LEGISLATIVE BILL 205. Introducer by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to designate funds appropriated to the Department of Health and Human Services for state aid.

LEGISLATIVE BILL 206. Introducer by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services for a rate increase for providers of developmental disability services.

LEGISLATIVE BILL 208. Introducer by Lindstrom, 18.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.21, Reissue Revised Statutes of Nebraska; to change provisions relating to broker trust accounts; and to repeal the original section.

LEGISLATIVE BILL 211. Introducer by Hansen, 42; Blood, 3; Howard, 9; Kolowski, 31; Morfeld, 46; Quick, 35; Vargas, 7.

A BILL FOR AN ACT relating to the Wage and Hour Act; to amend section 48-1205, Reissue Revised Statutes of Nebraska, and section 48-1203, Revised Statutes Cumulative Supplement, 2016; to change the minimum wage for persons compensated by way of gratuities; to change provisions relating to the posting of information; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 212. Introducer by Hansen, 42.

A BILL FOR AN ACT relating to public safety officials; to adopt the In the Line of Duty Compensation Act; and to provide an operative date.

LEGISLATIVE BILL 213. Introducer by Hansen, 42.

A BILL FOR AN ACT relating to the Unfair Insurance Claims Settlement Practices Act; to amend section 44-1540, Revised Statutes Cumulative Supplement, 2016; to add an unfair claims settlement practice; and to repeal the original section.

LEGISLATIVE BILL 214. Introducer by Halloran, 33; Briese, 41; Erdman, 47; Groene, 42; Lowe, 37.

A BILL FOR AN ACT relating to education; to amend sections 79-8,125, 79-8,127, 79-8,129, and 79-8,130, Reissue Revised Statutes of Nebraska; to provide for termination of the Master Teacher Program; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 215. Introducer by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-908, 77-2715.07, 77-2717, 77-2734.03, and 77-3806, Revised Statutes Cumulative Supplement, 2016; to adopt the Nebraska E-15 Tax Credit Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 216. Introducer by Harr, 8.

A BILL FOR AN ACT relating to redistricting; to amend section 49-1499.03, Reissue Revised Statutes of Nebraska, and section 49-1493, Revised Statutes Cumulative Supplement, 2016; to adopt the Redistricting Act; to require statements of financial interest and conflict of interest statements as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 218. Introducer by Groene, 42; McDonnell, 5.

A BILL FOR AN ACT relating to irrigation; to provide for installation of ground water pumps by public entities; to provide powers and duties; and to provide for rules and regulations.

LEGISLATIVE BILL 220. Introducer by Harr, 8; Lindstrom, 18.

A BILL FOR AN ACT relating to the Insured Homeowners Protection Act; to amend sections 44-8601 and 44-8602, Revised Statutes Cumulative Supplement, 2016; to redefine a term; to provide contract requirements for assignment of rights and benefits; to require notice as prescribed; to declare certain contracts void; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 221. Introducer by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB661, section 4; to change a transfer of funds; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 224. Introducer by Crawford, 45; Howard, 9.

A BILL FOR AN ACT relating to public assistance; to amend section 43-512, Reissue Revised Statutes of Nebraska, and sections 68-1017.02, 68-1713, and 68-1726, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to asset limitations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 226. Introducer by Wishart, 27.

A BILL FOR AN ACT relating to children; to amend sections 43-2,129, 43-1311.03, 43-2101, 43-4218, 43-4705, and 43-4708, Reissue Revised Statutes of Nebraska; to provide for the purchase of motor vehicles and motor vehicle insurance policies by certain children; to change transition plan requirements for children in foster care; to change provisions relating to the age of majority; to require the Normalcy Task Force to study the provision of motor vehicle insurance coverage for children in foster care; to require a report; to permit caregivers to give permission for obtaining certain motor vehicle permits; to limit liability of such caregivers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 227. Introducer by Wishart, 27.

A BILL FOR AN ACT relating to brain injury; to define terms; to create a council and a fund; and to provide powers and duties.

LEGISLATIVE BILL 228. Introducer by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1333, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to rent-restricted housing projects; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 229. Introducer by Williams, 36; Ebke, 32.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1010, 25-1028, 25-1030.02, and 25-1056, Reissue Revised Statutes of Nebraska; to change provisions relating to garnishment; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 232. Introducer by Kolterman, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Cumulative Supplement, 2016; to provide a property tax exemption for property leased to the state or a governmental subdivision; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 233. Introducer by Smith, 48; Stinner, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 9-433, 77-2783, 77-2785, 77-4014, and 79-1016, Reissue Revised Statutes of Nebraska, and sections 69-2710.01, 77-2503, 77-2506, 77-2604, 77-2604.01, 77-2756, 77-27,238, 77-3510, 77-4212, and 77-5725, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to lotteries and raffles, cigarette reports, affordable housing tax credits, statements on income taxes withheld, mathematical and clerical errors in income taxes, employer tax credits, homestead exemption forms and lists, tobacco product tax returns, property tax credits, property tax exemptions under the Nebraska Advantage Act, and taxable valuations for school districts; to eliminate the Low-Income Home Energy Conservation Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 66-1013, 66-1017, 66-1018, and 66-1019, Reissue Revised Statutes of Nebraska, and sections 66-1012, 66-1014, 66-1015, 66-1016, and 66-1019.01, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 233A. Introducer by Smith, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 233, One Hundred Fifth Legislature, First Session, 2017.

LEGISLATIVE BILL 235. Introducer by Walz, 15.

A BILL FOR AN ACT relating to the Summer Food Service Program; to amend section 79-10,141, Reissue Revised Statutes of Nebraska; to clarify grant requirements; and to repeal the original section.

LEGISLATIVE BILL 236. Introducer by Erdman, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-132, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the inclusion of multiple lots in one parcel; and to repeal the original section.

LEGISLATIVE BILL 237. Introducer by Erdman, 47.

A BILL FOR AN ACT relating to official bonds; to amend sections 11-107 and 23-1601, Reissue Revised Statutes of Nebraska; to change filing requirements for school districts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 238. Introducer by Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section 13-509, Reissue Revised Statutes of Nebraska; to change provisions relating to certifying taxable values; and to repeal the original section.

LEGISLATIVE BILL 240. Introducer by Baker, 44.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend sections 79-554, 79-560, 79-561, and 84-1411, Reissue Revised Statutes of Nebraska; to authorize board meetings of school districts to be held by means of videoconferencing; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 242. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the recruitment of students who study to become behavioral health professionals; and to require reports.

LEGISLATIVE BILL 243. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to assaults; to require the reporting of certain information concerning assaults that occur in state institutions.

LEGISLATIVE BILL 245. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to correctional services; to define terms; to provide for and limit overtime as prescribed; to provide for a corrections-related emergency; and to provide an operative date.

LEGISLATIVE BILL 246. Introducer by Morfeld, 46.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1028.01, Revised Statutes Cumulative Supplement, 2016; to provide a budget exception for expanded learning opportunity programs; and to repeal the original section.

LEGISLATIVE BILL 247. Introducer by Morfeld, 46.

A BILL FOR AN ACT relating to school finance; to amend section 79-10,110.02, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to school district levy and bonding authority for certain projects; to authorize school district levy and bonding authority for cybersecurity as prescribed; to define and redefine terms; and to repeal the original section.

LEGISLATIVE BILL 248. Introducer by Harr, 8.

A BILL FOR AN ACT relating to employment training; to adopt the Youth Opportunities in Learning and Occupations Act.

LEGISLATIVE BILL 249. Introducer by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Cumulative Supplement, 2016; to expand a property tax exemption; and to repeal the original section.

LEGISLATIVE BILL 250. Introducer by Harr, 8.

A BILL FOR AN ACT relating to probation; to amend section 29-2267, Reissue Revised Statutes of Nebraska; to change provisions relating to probationers' rights; and to repeal the original section.

LEGISLATIVE BILL 251. Introducer by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1359, Revised Statutes Cumulative Supplement, 2016; to redefine agricultural or horticultural purposes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 252. Introducer by Crawford, 45.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1401 and 49-1403, Reissue Revised Statutes of Nebraska, and sections 49-1463.01, 49-1467, and 49-1469, Revised Statutes Cumulative Supplement, 2016; to define a term; to change reporting requirements for independent expenditures; to require reporting regarding electioneering communication; to provide for late filing fees; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 254. Introducer by Crawford, 45.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-168.06, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to prohibited acts; to provide for making and serving certain types of alcoholic liquor by nonlicensed persons as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 256. Introducer by Briese, 41.

A BILL FOR AN ACT relating to cities and villages; to adopt the Vacant Property Registration Act.

LEGISLATIVE BILL 258. Introducer by Hansen, 42.

A BILL FOR AN ACT relating to correctional services; to amend section 83-903, Reissue Revised Statutes of Nebraska; to provide for an opportunity to obtain a state identification card or a motor vehicle operator's license as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 260. Introducer by Hansen, 42.

A BILL FOR AN ACT relating to agriculture promotion; to amend section 2-3815, Reissue Revised Statutes of Nebraska; to provide for a state food insecurity nutrition incentive grant program; to provide duties for the Department of Agriculture; to state intent regarding appropriations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 261. Introducer by Hansen, 42.

A BILL FOR AN ACT relating to labor; to adopt the Nebraska Worker Adjustment and Retraining Notification Act.

LEGISLATIVE BILL 262. Introducer by Groene, 42.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2123, Reissue Revised Statutes of Nebraska; to change provisions relating to undeveloped vacant land; and to repeal the original section.

LEGISLATIVE BILL 265. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1022, Revised Statutes Cumulative Supplement, 2016; to provide for a minimum amount of state aid to be distributed to each school district; and to repeal the original section.

LEGISLATIVE BILL 266. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5023 and 79-1016, Reissue Revised Statutes of Nebraska, and section 77-201, Revised Statutes Cumulative Supplement, 2016; to change the valuation of agricultural land and horticultural land as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 269. Introducer by Watermeier, 1.

A BILL FOR AN ACT relating to civil rights; to amend sections 20-113, 20-132, 20-133, 20-134, 20-135, 20-136, 20-138, 20-139, 20-140, 20-141, 20-142, and 20-143, Reissue Revised Statutes of Nebraska; to require motion picture theaters to provide open captioning as prescribed; to harmonize provisions; to provide an operative date and a termination date; and to repeal the original sections.

LEGISLATIVE BILL 270. Introducer by Kolowski, 31.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the State Department of Education.

LEGISLATIVE BILL 272. Introducer by Vargas, 7; Hilkemann, 4.

A BILL FOR AN ACT relating to the Nebraska Job Creation and Mainstreet Revitalization Act; to amend section 77-2906, Revised Statutes Cumulative Supplement, 2016; to provide powers and duties for the Department of Revenue; to establish a deadline for the determination of the amount of tax credit; and to repeal the original section.

LEGISLATIVE BILL 275. Introducer by Hughes, 44.

A BILL FOR AN ACT relating to abandoned vehicles; to amend sections 60-1906, 60-1910, and 60-1911, Reissue Revised Statutes of Nebraska, and

sections 60-149 and 60-166, Revised Statutes Cumulative Supplement, 2016; to provide duties for law enforcement officers and rights and duties for private property owners; to change liability provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 277. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to elections; to amend section 32-903, Reissue Revised Statutes of Nebraska; to change provisions relating to precinct size; and to repeal the original section.

LEGISLATIVE BILL 279. Introducer by Hilkemann, 4; Kolterman, 24.

A BILL FOR AN ACT relating to school buses; to amend sections 79-601 and 79-609, Reissue Revised Statutes of Nebraska; to require lap-shoulder belts as prescribed; to require instruction regarding use of certain belts; to require the use of certain belts; to state intent regarding liability; and to repeal the original sections.

LEGISLATIVE BILL 281. Introducer by Quick, 35.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska State Historical Society.

LEGISLATIVE BILL 284. Introducer by Riepe, 12; Blood, 3.

A BILL FOR AN ACT relating to the Child Care Licensing Act; to amend section 71-1912, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to criminal history record information checks; and to repeal the original section.

LEGISLATIVE BILL 285. Introducer by Linehan, 39; Pansing Brooks, 28.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-502.03 and 71-506, Reissue Revised Statutes of Nebraska; to provide for and to eliminate provisions relating to testing for human immunodeficiency virus infection; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-531, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 286. Introducer by Craighead, 6.

A BILL FOR AN ACT relating to finance; to amend sections 45-902 and 45-915, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Flexible Loan Act; to change provisions of the Delayed Deposit Services Licensing Act; and to repeal the original sections.

LEGISLATIVE BILL 288. Introducer by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1832, 77-1833, and 77-1837.01, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to service of notice when applying for a tax

deed and the laws governing certain tax sale certificates; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 290. Introducer by Vargas, 7; Blood, 3; Wishart, 27.

A BILL FOR AN ACT relating to elections; to amend sections 32-202, 32-307, 32-308, 32-310, 32-312, 32-315, 32-1002, 32-1506, 60-4,130, and 60-4,130.02, Reissue Revised Statutes of Nebraska, and sections 60-484, 60-484.02, and 60-4,144, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to registering to vote; to change penalty provisions; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-309, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 291. Introducer by Larson, 40; Brewer, 43; Lindstrom, 18.

A BILL FOR AN ACT relating to Native Americans; to amend section 58-201, Reissue Revised Statutes of Nebraska, and sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2016; to adopt the Special Economic Impact Zone Act; to provide a bonus in a scoring system under the Nebraska Investment Finance Authority Act; to authorize revenue-sharing agreements as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 292. Introducer by Larson, 40.

A BILL FOR AN ACT relating to the Nebraska Uniform Limited Liability Company Act; to amend section 21-101, Reissue Revised Statutes of Nebraska; to authorize series limited liability companies; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 294. Introducer by Smith, 48.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-483, Reissue Revised Statutes of Nebraska; to provide for a reciprocity agreement with a foreign country as prescribed; and to repeal the original section.

LEGISLATIVE BILL 295. Introducer by Smith, 48; Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-801.01, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2016; to adopt the Opportunity Scholarships Act; to provide for tax credits; to harmonize provisions; to provide an operative date; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 299. Introducer by Ebke, 32; Brewer, 43.

A BILL FOR AN ACT relating to professions and occupations; to amend sections 84-906.01 and 84-910, Reissue Revised Statutes of Nebraska, and sections 84-901.02, 84-901.04, 84-906.04, 84-907.06, 84-908, and 84-920, Revised Statutes Cumulative Supplement, 2016; to adopt the Occupational

Board Reform Act; to change provisions relating to certain rules and regulations; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 302. Introducer by Crawford, 45.

A BILL FOR AN ACT relating to universities and colleges; to provide for psychiatric and behavioral health fellowships for physician assistants; and to state intent relating to appropriations.

LEGISLATIVE BILL 303. Introducer by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the University of Nebraska to fund behavioral health internships.

LEGISLATIVE BILL 304. Introducer by Crawford, 45.

A BILL FOR AN ACT relating to the Nebraska Housing Agency Act; to amend sections 71-15,102, 71-15,140, 71-15,141, 71-15,142, 71-15,157, and 71-15,158, Reissue Revised Statutes of Nebraska; to change provisions relating to commission membership, storage and possession of personal property, filing of reports and plans, conflicts of interest, and public bidding requirements as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 305. Introducer by Crawford, 45.

A BILL FOR AN ACT relating to employment; to adopt the Paid Family Medical Leave Insurance Act; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 308. Introducer by Brasch, 16.

A BILL FOR AN ACT relating to schools; to amend section 79-724, Reissue Revised Statutes of Nebraska; to change provisions relating to the committee on Americanism; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 309. Introducer by Brasch, 16.

A BILL FOR AN ACT relating to time; to amend sections 32-908 and 49-1301, Reissue Revised Statutes of Nebraska; to eliminate daylight saving time; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 49-1302, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 310. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to highways and bridges; to amend sections 39-1411 and 39-1412, Reissue Revised Statutes of Nebraska; to change provisions relating to carrying capacity and weight limits of bridges; and to repeal the original sections.

LEGISLATIVE BILL 311. Introducer by Morfeld, 46.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Revised Statutes Cumulative Supplement, 2016; to eliminate a provision relating to eligibility for Supplemental Nutrition Assistance Program benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 312. Introducer by Briese, 41; Erdman, 47; Friesen, 34; Hughes, 44; Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-382, 77-2701.16, 77-2701.35, 77-2703, 77-2704.10, 77-2704.24, 77-2715.07, and 77-27.132, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to a tax expenditure report; to impose sales and use taxes on certain services and trade-ins; to change and eliminate certain sales and use tax exemptions; to increase the earned income tax credit; to provide for the use of the net increase in tax revenue; to create a fund; to provide property tax credits; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-2704.07, 77-2704.14, 77-2704.38, 77-2704.52, and 77-2704.55, Reissue Revised Statutes of Nebraska, and sections 77-2704.56, 77-2704.65, and 77-2704.67, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 313. Introducer by Briese, 41.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska, and sections 77-2715.07 and 77-27.132, Revised Statutes Cumulative Supplement, 2016; to change the sales and use tax rate; to increase the earned income tax credit; to provide for the use of the net increase in tax revenue; to create a fund; to provide property tax credits; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 314. Introducer by Murante, 49.

A BILL FOR AN ACT relating to elections; to amend sections 18-2713, 32-301, 32-304, 32-312, 32-915, 32-939, and 32-947, Reissue Revised Statutes of Nebraska; to change deadlines for submitting economic development programs to a vote; to eliminate provisions relating to funding; to conform statutory language to penalties previously changed by the Legislature; and to repeal the original sections.

LEGISLATIVE BILL 316. Introducer by Murante, 49.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-118, 32-204, 32-221, 32-223, 32-230, 32-231, 32-232, 32-236, 32-301, 32-320, 32-328, 32-608, 32-805, 32-806, 32-807, 32-810, 32-814, 32-815, 32-816, 32-821, 32-901, 32-903, 32-910, 32-914, 32-916, 32-1001, 32-1010, 32-1012, 32-1013, 32-1032, 32-1041, 32-1521, 32-1522, and 84-510, Reissue Revised Statutes of Nebraska, and sections 45-621 and 49-14.140, Revised Statutes Cumulative Supplement, 2016; to redefine signature; to change the name and

purpose of the Election Administration Fund; to prohibit use of and eliminate references to electronic voting systems; to authorize use of electronic poll books, ballot-on-demand technology, and precinct-based optical scanners; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 319. Introducer by Halloran, 33.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-144.01, Reissue Revised Statutes of Nebraska; to provide for confidentiality of and access to certain injury reports; and to repeal the original section.

LEGISLATIVE BILL 321. Introducer by Lowe, 37.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1204.04, Reissue Revised Statutes of Nebraska; to change provisions relating to unlawful possession of a firearm at a school; and to repeal the original section.

LEGISLATIVE BILL 322. Introducer by Craighead, 6; McCollister, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5016.01, 77-5023, 77-5026, and 77-5028, Reissue Revised Statutes of Nebraska, and sections 77-5004, 77-5013, 77-5015, 77-5015.02, and 77-5018, Revised Statutes Cumulative Supplement, 2016; to change the Tax Equalization and Review Commission Act as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 324. Introducer by Kolterman, 24.

A BILL FOR AN ACT relating to pharmacy; to adopt the Pharmacy Benefit Fairness and Transparency Act.

LEGISLATIVE BILL 325. Introducer by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2016; to exempt certain purchases of energy star qualified products from sales and use taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 326. Introducer by Kolowski, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3442 and 79-1022, Revised Statutes Cumulative Supplement, 2016; to provide and change levy authority for certain school districts as prescribed; to provide a duty for the State Department of Education; and to repeal the original sections.

LEGISLATIVE BILL 337. Introducer by Smith, 48; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.01 and 77-2715.03, Revised Statutes Cumulative Supplement, 2016; to change income tax rates and provide for deferrals of such changes as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 338. Introducer by Brasch, 16; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 46-294.03, 77-103.01, 77-1507.01, 77-5023, and 79-1016, Reissue Revised Statutes of Nebraska, and sections 76-710.04, 77-201, 77-1327, 77-1359, 77-1363, 77-1371, 77-1502, 77-4212, 77-5007, 77-5022, and 79-1036, Revised Statutes Cumulative Supplement, 2016; to adopt the Agricultural Valuation Fairness Act; to change and eliminate provisions relating to the valuation of agricultural land and horticultural land and protests of such valuation; to change the Tax Equalization and Review Commission Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-1343, 77-1344, 77-1345, 77-1345.01, 77-1346, and 77-1347.01, Reissue Revised Statutes of Nebraska, and section 77-1347, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 343. Introducer by Riepe, 12; at the request of the Governor.

A BILL FOR AN ACT relating to health and human services; to amend sections 38-1005, 38-1017, 38-1018, 38-1028, 38-1038, 38-1043, 38-1058, 38-1061, 38-1062, 38-1063, 38-1066, 38-1069, 38-1070, 38-1073, 38-1074, 38-1075, 38-1086, 38-1097, 38-1099, 38-10,100, 38-10,102, 38-10,103, 38-10,104, 38-10,105, 38-10,112, 38-10,120, 38-10,128, 38-10,129, 38-10,133, 38-10,135, 38-10,142, 38-10,147, 38-10,150, 38-10,152, 38-10,153, 38-10,171, 38-1509, 38-1512, and 38-1703, Reissue Revised Statutes of Nebraska, and section 71-208, Revised Statutes Cumulative Supplement, 2016; to change and eliminate definitions in the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act; to eliminate provisions relating to cosmeticians, cosmetic establishments, electrology establishments, guest artists, guest body artists, students, and schools; to change licensure requirements for cosmetologists, nail technicians, instructors, audiologists, massage therapists, and barbers; to change and eliminate operating requirements for salons and schools; to eliminate liability of managers as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal sections 38-1013, 38-1014, 38-1022, 38-1029, 38-1030, 38-1071, 38-1072, 38-1091, 38-1092, 38-1093, 38-1094, 38-1095, 38-1096, 38-10,106, and 38-10,155, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 344. Introducer by Albrecht, 17; at the request of the Governor.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 28-401, 38-319, 38-321, 38-2104, 38-2117, 38-2122, 38-2123, 38-2124, 38-2125, 38-2826.01, 44-772, 44-776, 44-777, 44-793, 71-423, and 71-430, Reissue Revised Statutes of Nebraska, and sections 68-1017.02, 71-401, 71-403,

71-413, 71-2411, 71-2445, and 77-2704.12, Revised Statutes Cumulative Supplement, 2016; to change credentialing provisions relating to mental health and substance use disorders under the Health Care Facility Licensure Act and the Uniform Credentialing Act; to provide for mental health substance abuse centers; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 345. Introducer by Craighead, 6; at the request of the Governor.

A BILL FOR AN ACT relating to the Abstracters Act; to amend sections 76-542 and 76-546, Reissue Revised Statutes of Nebraska; to eliminate an experience requirement for registered abstracters and temporary certificates of registration; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 347. Introducer by Geist, 25; at the request of the Governor.

A BILL FOR AN ACT relating to school bus permits and qualifications; to amend section 79-608, Reissue Revised Statutes of Nebraska, and section 60-4,115, Revised Statutes Cumulative Supplement, 2016; to eliminate certain fees and requirements duplicated under federal law; to change powers and duties of the Department of Motor Vehicles and the State Department of Education; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 349. Introducer by Hilkemann, 4.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend section 29-4115.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the maintenance and administration of the State DNA Sample and Data Base Fund; and to repeal the original section.

LEGISLATIVE BILL 350. Introducer by McCollister, 20.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2264, Reissue Revised Statutes of Nebraska; to provide a procedure for setting aside convictions for misdemeanors and felonies as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 351. Introducer by McCollister, 20; Brewer, 43; Crawford, 45; Kolowski, 31; Krist, 10; Lowe, 37; Smith, 48.

A BILL FOR AN ACT relating to motor vehicles; to amend section 80-414, Reissue Revised Statutes of Nebraska, and sections 60-484, 60-4,117, 60-4,144, and 60-4,189, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to veteran designations on operators' licenses and state identification cards; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 351A. Introducer by McCollister, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 351, One Hundred Fifth Legislature, First Session, 2017.

LEGISLATIVE BILL 353. Introducer by Baker, 44.

A BILL FOR AN ACT relating to political subdivisions; to amend section 13-918, Reissue Revised Statutes of Nebraska; to change provisions relating to the payment of claims, awards, and judgments under the Political Subdivisions Tort Claims Act; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 354. Introducer by Kolowski, 31.

A BILL FOR AN ACT relating to labor; to adopt the Wage Disclosure Act.

LEGISLATIVE BILL 355. Introducer by Bolz, 29; Brewer, 43; Pansing Brooks, 28.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2016; to provide for Native American Cultural Awareness and History Plates; to create a fund and provide for its use; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 356. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to amend section 13-208, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to tax credits as prescribed; to define a term; to create and provide uses for a fund; to provide powers and duties; to provide for transfers of funds; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 356A. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 356, One Hundred Fifth Legislature, First Session, 2017; and to declare an emergency.

LEGISLATIVE BILL 357. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to vehicles; to amend sections 60-154 and 60-301, Revised Statutes Cumulative Supplement, 2016; to increase original certificate of title fees for vehicles transferred to Nebraska from another state; to provide for distribution of such fees; to provide for a voluntary contribution for programs for persons suffering from a brain injury when registering a vehicle; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 358. Introducer by McCollister, 20; Crawford, 45; Howard, 9; Morfeld, 46; Pansing Brooks, 28; Walz, 15.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the Supplemental Nutrition Assistance Program; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 359. Introducer by Kolterman, 24.

A BILL FOR AN ACT relating to adverse possession; to authorize damages for property taxes and special assessments paid on property lost through adverse possession.

LEGISLATIVE BILL 360. Introducer by Kolterman, 24.

A BILL FOR AN ACT relating to surgical technologists; to amend section 38-2025, Reissue Revised Statutes of Nebraska; to adopt the Surgical Technologist Registry Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 361. Introducer by Kolowski, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2016; to exempt sales of clothing and footwear from sales and use taxes as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 362. Introducer by Riepe, 12.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Health Savings Account Act; and to provide an operative date.

LEGISLATIVE BILL 363. Introducer by Hansen, 42.

A BILL FOR AN ACT relating to the Conveyance Safety Act; to amend sections 48-2503, 48-2504, 48-2507, 48-2508, 48-2512, 48-2516, and 48-2529, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the Conveyance Advisory Committee, the applicability of and exemptions from the act, requirements for work done on conveyances, certificates of inspection, and temporary and emergency licenses; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 364. Introducer by Walz, 15.

A BILL FOR AN ACT relating to the Professional Landscape Architects Act; to amend sections 81-8,183.01, 81-8,184, 81-8,186, 81-8,191, 81-8,191.01, 81-8,192, 81-8,194, 81-8,196, 81-8,198, 81-8,199, 81-8,200, 81-8,202, 81-8,204, 81-8,205, and 81-8,206, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to licensure and regulation of professional landscape architects; to provide and change penalties; to harmonize provisions; to repeal the original sections; and to outright repeal sections

81-8,184.01, 81-8,185, 81-8,187, 81-8,188, 81-8,195, 81-8,197, 81-8,200.01, 81-8,200.02, 81-8,201, and 81-8,203, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 365. Introducer by Blood, 3; Crawford, 45.

A BILL FOR AN ACT relating to public records; to amend sections 84-712, 84-712.01, and 84-712.07, Reissue Revised Statutes of Nebraska, and section 84-712.05, Revised Statutes Cumulative Supplement, 2016; to define a term; to change provisions relating to access to and fees for public records; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 366. Introducer by Halloran, 33.

A BILL FOR AN ACT relating to parole; to amend sections 28-322, 29-2252, 29-2935, 29-4019, 71-961, 81-1401, 83-174.03, 83-174.04, 83-174.05, 83-191, 83-192, 83-198, 83-1,102, 83-1,103, 83-1,103.01, 83-1,103.02, 83-1,103.03, 83-1,103.04, 83-1,104, 83-1,107.01, 83-1,107.02, 83-1,109, 83-1,111, 83-1,112, 83-1,112.01, 83-1,114, 83-1,118, 83-1,120, 83-1,121, and 83-1,125, Reissue Revised Statutes of Nebraska, sections 47-624, 47-624.01, 47-627, 47-629, 47-903, 47-908, 47-919, 83-170, 83-171, 83-1,100, 83-1,100.02, 83-1,101, 83-1,107, 83-1,119, 83-1,135, and 83-933, Revised Statutes Cumulative Supplement, 2016, and section 29-2261, Revised Statutes Cumulative Supplement, 2014, as amended by Laws 2015, LB 504, section 1; to move and rename the Office of Parole Administration and to change the title of Parole Administrator; to change provisions relating to administration of parole services; to create and provide for use of a fund; to change and provide powers and duties; to eliminate deputy parole officers and provisions relating to a violation of parole as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal section 83-1,124, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 367. Introducer by Krist, 10.

A BILL FOR AN ACT relating to juveniles; to amend section 43-290.01, Reissue Revised Statutes of Nebraska; to change provisions relating to payment of costs as prescribed; and to repeal the original section.

LEGISLATIVE BILL 368. Introducer by Lowe, 37; Ebke, 32; Erdman, 47.

A BILL FOR AN ACT relating to motorcycles and mopeds; to amend section 60-6,279, Reissue Revised Statutes of Nebraska; to change helmet provisions and passenger age limits; to require eye protection; and to repeal the original section.

LEGISLATIVE BILL 369. Introducer by Lowe, 37.

A BILL FOR AN ACT relating to recording fees; to amend sections 25-2154 and 33-109, Reissue Revised Statutes of Nebraska, and sections 52-1004 and 77-3903, Revised Statutes Cumulative Supplement, 2016; to provide additional uses of fees charged by a register of deeds for recording certain records as prescribed; to change fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 372. Introducer by Crawford, 45.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend sections 48-1101, 48-1104, 48-1105, 48-1106, 48-1107, 48-1108, 48-1113, 48-1115, 48-1119, 48-1122, and 48-1124, Reissue Revised Statutes of Nebraska, and sections 48-1102, 48-1111, and 48-1117, Revised Statutes Cumulative Supplement, 2016; to provide protections for employees with family care responsibilities; to define a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 373. Introducer by Schumacher, 22.

A BILL FOR AN ACT relating to law; to amend sections 39-2701, 77-2101.01, 77-2101.02, 77-2101.03, 77-2701.10, 77-2701.34, 77-2701.47, 77-2704.55, 77-2716.01, 77-2716.03, 77-3505.02, 77-4209, 77-5023, and 79-1016, Reissue Revised Statutes of Nebraska, and sections 13-3103, 77-201, 77-1116, 77-1237, 77-2701.16, 77-2703, 77-2704.10, 77-2708, 77-2715, 77-2715.03, 77-2715.07, 77-2716, 77-2717, 77-2734.07, 77-2734.14, 77-27,132, 77-27,235, 77-2912, 77-3501.01, 77-3507, and 77-5725, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to applications under the Sports Arena Facility Financing Assistance Act; to terminate the Build Nebraska Act and the Personal Property Tax Relief Act; to change and eliminate revenue and taxation provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 77-2715.09, Reissue Revised Statutes of Nebraska, and sections 77-2704.57, 77-2704.64, 77-2708.01, 77-2715.08, and 77-4212, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 374. Introducer by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2734.03, 77-5725, and 77-5726, Revised Statutes Cumulative Supplement, 2016; to provide income tax credits for corporate income taxes paid as prescribed; to change provisions relating to sunset dates and the use of credits under the Nebraska Advantage Act; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 377. Introducer by Education Committee: Groene, 42, Chairperson; Ebke, 32; Erdman, 47; Kolowski, 31; Linehan, 39; Morfeld, 46; Pansing Brooks, 28; Walz, 15.

A BILL FOR AN ACT relating to schools; to amend sections 32-570, 32-606, 32-1007, 32-1303, 48-303, 72-2304, 77-3444, 79-102, 79-104, 79-203, 79-407, 79-413, 79-415, 79-418, 79-419, 79-434, 79-443, 79-447, 79-451, 79-458, 79-470, 79-473, 79-479, 79-4,108, 79-4,129, 79-501, 79-506, 79-524, 79-525, 79-526, 79-547, 79-550, 79-554, 79-559, 79-564, 79-569, 79-570, 79-572, 79-577, 79-578, 79-579, 79-580, 79-581, 79-586, 79-587, 79-588, 79-594, 79-598, 79-5,104, 79-605, 79-728, 79-828, 79-850, 79-1029, 79-1030, 79-1045, 79-1065.02, 79-1072, 79-1089, 79-1090, 79-1098, 79-10,100, 79-10,101, 79-10,103, 79-10,114, 79-10,117, 79-10,118, 79-1108.02, 79-1217, and 79-1504, Reissue Revised Statutes of Nebraska, and sections 13-508, 79-101,

79-234, 79-499, 79-4,123, 79-528, 79-576, 79-611, 79-1003, 79-1036, 79-1075, 79-10,110, 79-10,110.02, and 79-10,120, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to classification of school districts; to harmonize provisions; to repeal the original sections; and to outright repeal sections 10-704, 10-716.01, 23-3302, 32-541, 32-542, 32-546, 79-401, 79-402, 79-403, 79-404, 79-406, 79-410, 79-411, 79-416, 79-417, 79-423, 79-424, 79-425, 79-426, 79-427, 79-431, 79-452, 79-453, 79-454, 79-455, 79-472, 79-477, 79-478, 79-492, 79-493, 79-494, 79-495, 79-4,100, 79-4,101, 79-4,102, 79-4,103, 79-4,104, 79-4,109, 79-4,110, 79-4,111, 79-519, 79-523, 79-540, 79-541, 79-542, 79-548, 79-553, 79-556, 79-557, 79-558, 79-563, 79-565, 79-568, 79-585, 79-5,107, 79-5,108, 79-716, 79-717, 79-8,110, 79-1027.01, 79-1077, 79-1078, 79-1083.02, 79-1099, 79-10,111, 79-10,113, 79-10,121, 79-10,122, 79-10,123, 79-10,124, and 79-10,125, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 378. Introducer by McCollister, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Correctional Services.

LEGISLATIVE BILL 379. Introducer by Harr, 8.

A BILL FOR AN ACT relating to state funds; to amend sections 82-129 and 82-130, Reissue Revised Statutes of Nebraska, and section 81-3714, Revised Statutes Cumulative Supplement, 2016; to state intent; to create a fund; to transfer funds; to change provisions relating to the Willa Cather historical buildings; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 380. Introducer by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716.01, Reissue Revised Statutes of Nebraska, and section 77-2715.03, Revised Statutes Cumulative Supplement, 2016; to change an income tax rate as prescribed; to change provisions relating to itemized deductions and standard deductions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 381. Introducer by Harr, 8.

A BILL FOR AN ACT relating to juries; to amend section 29-2022, Reissue Revised Statutes of Nebraska; to change provisions relating to jury sequestration; and to repeal the original section.

LEGISLATIVE BILL 384. Introducer by Lindstrom, 18.

A BILL FOR AN ACT relating to the Nebraska Installment Loan Act; to amend section 45-1024, Revised Statutes Cumulative Supplement, 2016; to change the rate of interest to be charged on installment loans; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 385. Introducer by Lindstrom, 18.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission Act; to amend sections 77-5013 and 77-5016, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to who may execute appeals and the burden of proof for certain appeals; and to repeal the original sections.

LEGISLATIVE BILL 386. Introducer by Lindstrom, 18.

A BILL FOR AN ACT relating to the Delayed Deposit Services Licensing Act; to amend section 45-919, Reissue Revised Statutes of Nebraska; to change the time period a licensee under the act may hold a check; and to repeal the original section.

LEGISLATIVE BILL 387. Introducer by Lindstrom, 18.

A BILL FOR AN ACT relating to economic development; to amend sections 77-5902, 77-5904, 81-1201.15, 81-1201.20, and 81-12,156, Reissue Revised Statutes of Nebraska, and sections 58-708, 77-5903, 77-5905, 77-6302, 77-6306, 77-6307, and 81-12,153, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the use of funds under the Nebraska Affordable Housing Act; to eliminate provisions relating to distressed areas in the Nebraska Advantage Microenterprise Tax Credit Act, the Angel Investment Tax Credit Act, and the Business Innovation Act; to change provisions relating to confidentiality requirements, the Business Recruitment Division, and rules and regulations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 388. Introducer by Lindstrom, 18.

A BILL FOR AN ACT relating to notaries; to amend section 45-740, Reissue Revised Statutes of Nebraska, and sections 64-301 and 64-308, Revised Statutes Cumulative Supplement, 2016; to authorize remote electronic notarial acts as prescribed; to provide standards for video and audio conference technology used for such notarial acts; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 389. Introducer by Friesen, 34; Wayne, 13; Brewer, 43; Krist, 10.

A BILL FOR AN ACT relating to telecommunications and technology; to adopt the Small Wireless Facilities Act; to provide a duty for the Revisor of Statutes; and to provide an operative date.

LEGISLATIVE BILL 390. Introducer by Albrecht, 17.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.11, Reissue Revised Statutes of Nebraska; to change provisions relating to flood protection and water quality enhancement bonds; and to repeal the original section.

LEGISLATIVE BILL 391. Introducer by Watermeier, 1.

A BILL FOR AN ACT relating to the Optometry Practice Act; to amend sections 38-2604, 38-2605, 38-2614, and 38-2615, Reissue Revised Statutes of Nebraska; to redefine terms; to provide requirements for use of injections and surgical procedures; to provide for applicability; and to repeal the original sections.

LEGISLATIVE BILL 392. Introducer by Larson, 40; Wayne, 13.

A BILL FOR AN ACT relating to economic development; to adopt the Wind Friendly Counties Act.

LEGISLATIVE BILL 393. Introducer by Larson, 40.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend sections 81-8,134 and 81-8,138, Reissue Revised Statutes of Nebraska, and sections 81-8,129, 81-8,130.01, 81-8,132, 81-8,133, 81-8,133.01, 81-8,135, and 81-8,139, Revised Statutes Cumulative Supplement, 2016; to authorize the regulation of kickboxing; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 394. Introducer by Morfeld, 46.

A BILL FOR AN ACT relating to domestic violence; to amend sections 28-1206, 42-903, and 42-924, Reissue Revised Statutes of Nebraska; to change provisions relating to possession of a deadly weapon by a prohibited person and domestic violence protection orders; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 396. Introducer by Morfeld, 46.

A BILL FOR AN ACT relating to universities and colleges; to amend section 85-502, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to determination of residency; and to repeal the original section.

LEGISLATIVE BILL 397. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-283, Reissue Revised Statutes of Nebraska; to require application of the Nebraska Evidence Rules at parental termination hearings as prescribed; and to repeal the original section.

LEGISLATIVE BILL 398. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to public health and welfare; to require certification of swimming instructors and lifeguards as prescribed.

LEGISLATIVE BILL 399. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Housing Agency Act; to amend sections 71-1594, 71-1598, 71-15,101, 71-15,102, 71-15,103, and 71-15,104,

Reissue Revised Statutes of Nebraska; to add, change, and eliminate provisions relating to commissioners; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 400. Introducer by Hilkemann, 4.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-395, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to a refund of fees and taxes; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 401. Introducer by Hilkemann, 4.

A BILL FOR AN ACT relating to metabolic screening; to amend section 71-519, Reissue Revised Statutes of Nebraska; to change provisions relating to infant screening as prescribed; and to repeal the original section.

LEGISLATIVE BILL 402. Introducer by Hilkemann, 4.

A BILL FOR AN ACT relating to the Nebraska Regulation of Health Professions Act; to amend section 71-6227, Reissue Revised Statutes of Nebraska, and sections 71-6201, 71-6202, 71-6221, 71-6223, 71-6223.02, and 71-6224, Revised Statutes Cumulative Supplement, 2016; to state intent; to change membership and powers and duties of technical committees; to change provisions relating to review of scope of practice; to require rules and regulations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 405. Introducer by Baker, 44.

A BILL FOR AN ACT relating to the DNA Identification Information Act; to amend sections 29-4101, 29-4103, 29-4106, 29-4106.01, 29-4108, and 29-4109, Reissue Revised Statutes of Nebraska; to redefine a term; to provide for the effect of mistakes in obtaining DNA samples, DNA records, or thumb or fingerprints on the validity of detentions, arrests, adjudications, and convictions; to provide civil and criminal immunity to law enforcement agencies for mistakes in submitting DNA records or samples; to provide for the collecting of additional DNA samples; to change provisions relating to confidentiality of DNA samples and records; to prohibit the use of DNA samples or records for research as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 408. Introducer by Lowe, 37.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-1,110, Revised Statutes Cumulative Supplement, 2016; to provide for an evidence-based drug formulary as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 410. Introducer by Smith, 48.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 32-509, 66-1830, 75-101, 75-104, 75-104.01, 75-105, and 75-106, Reissue Revised Statutes of Nebraska, and sections 75-101.01 and 75-128, Revised Statutes Cumulative Supplement, 2016; to change the boundaries and number of public service commissioner districts by the adoption of maps by reference; to provide for the appointment and election of new commissioners as prescribed; to change a provision relating to qualifications; to eliminate an obsolete provision; to change commissioner compensation as prescribed; to provide a duty for commissioners; to change provisions relating to appointment and employment of employees; to provide duties for the executive director; to provide for decisions by a majority vote of all members; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 411. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-285, 43-2,106.01, and 43-1311.02, Reissue Revised Statutes of Nebraska; to change provisions relating to joint-sibling placement; to provide duties for the Department of Health and Human Services; to change provisions relating to appeals; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 412. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to state funds; to amend section 72-1260, Reissue Revised Statutes of Nebraska; to state findings; to define terms; to provide duties and responsibilities relating to investment in energy-related companies or funds; to require a report; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 414. Introducer by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 24-702, 24-703, 25-2804, 33-103, 33-103.01, 33-106, 33-106.02, 33-123, 33-124, 33-125, 33-126.02, 33-126.03, and 33-126.06, Reissue Revised Statutes of Nebraska; to provide for an employer contribution as prescribed under the Judges Retirement Act; to change the amount and distribution of court fees relating to the Nebraska Retirement Fund for Judges as prescribed; to provide a state contribution to the Nebraska Judges Retirement System; to provide for the remittance of court fees to the General Fund; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 416. Introducer by Vargas, 7; Halloran, 33; McDonnell, 5; Quick, 35; Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to amend section 48-621, Revised Statutes Cumulative Supplement, 2016; to appropriate funds to the Department of Labor; to harmonize provisions; to delete obsolete provisions; and to repeal the original section.

LEGISLATIVE BILL 420. Introducer by McCollister, 20; Blood, 3; Chambers, 11; Crawford, 45; Ebke, 32; Howard, 9; Krist, 10; Morfeld, 46; Pansing Brooks, 28; Wishart, 27.

A BILL FOR AN ACT relating to labor; to amend section 48-202, Revised Statutes Cumulative Supplement, 2016; to adopt the Fair Chance Hiring Act; to prohibit public and private employers and employment agencies from asking for criminal history as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 421. Introducer by Murante, 49.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1413, Revised Statutes Cumulative Supplement, 2016; to redefine committee; and to repeal the original section.

LEGISLATIVE BILL 422. Introducer by Murante, 49.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-115, Reissue Revised Statutes of Nebraska; to redefine registered voter; and to repeal the original section.

LEGISLATIVE BILL 423. Introducer by Murante, 49.

A BILL FOR AN ACT relating to counties; to amend section 23-122, Reissue Revised Statutes of Nebraska; to change provisions relating to counties; and to repeal the original section.

LEGISLATIVE BILL 424. Introducer by Ebke, 32; Craighead, 6; Hilkemann, 4; McCollister, 20.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend sections 29-2204.02, 29-2262, 29-3803, 29-3804, 29-4014, 47-123, 81-1850, 83-1,108, 83-1,109, 83-1,110, 83-1,118, 83-1,123, 83-1,125, 83-4,111, 83-4,122, and 83-4,123, Reissue Revised Statutes of Nebraska, sections 83-170, 83-1,107, and 83-1,122, Revised Statutes Cumulative Supplement, 2016, and section 29-2204, Revised Statutes Cumulative Supplement, 2014, as amended by Laws 2015, LB605, section 60; to provide for earned time; to discontinue the use of good time as prescribed; to define a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 426. Introducer by Murante, 49.

A BILL FOR AN ACT relating to government; to amend sections 1-110, 2-1201, 2-1803, 2-2306, 2-3619, 2-3751, 2-4008, 2-4208, 2-4901, 2-5003, 2-5302, 3-104, 7-205, 21-2307, 23-1215, 24-1003, 24-1103, 24-1203, 25-2907, 29-2252, 29-2259, 29-3925, 30-4108, 37-105, 37-106, 39-2106, 39-2304, 43-1302, 43-1903, 43-2411, 43-3342.05, 43-4001, 43-4202, 45-603, 46-538, 48-1116, 48-2503, 49-233, 50-415, 51-402, 53-112, 53-113, 53-302, 54-191, 57-904, 58-228, 60-4,118.02, 66-1335, 68-948, 68-953, 68-1105, 70-719, 71-222, 71-702, 71-808, 71-1799, 71-2605, 71-4723, 71-4728.05, 71-5657,

71-6227, 71-6303, 71-6321, 71-7012, 71-8236, 71-8251, 71-8604, 71-8803, 72-224.03, 72-2103, 75-104, 77-5206, 79-317, 79-527.01, 79-546, 79-740, 79-760.07, 79-808, 79-861, 79-863, 79-1104.04, 79-1217, 79-1816, 80-318, 80-401.02, 80-401.08, 81-175, 81-502.02, 81-829.53, 81-829.54, 81-8,189, 81-8,267, 81-8,309, 81-1108.32, 81-1120.18, 81-1174, 81-1180, 81-11,104, 81-1348, 81-1409, 81-1421, 81-1430, 81-1449, 81-1503, 81-1505.03, 81-15,171, 81-15,175, 81-15,211, 81-15,245, 81-1805, 81-2105, 81-2506, 81-3521, 82-310, 83-4,124, 83-1212.01, 83-1213, 84-931, 84-1204, 84-1502, 85-104, 85-301, 85-1408, 85-1509, 86-461, 86-515, 86-570, and 86-571, Reissue Revised Statutes of Nebraska, and sections 2-3951.01, 9-1004, 49-14,120, 50-505, 53-502, 55-604, 58-819, 70-1003, 71-219.03, 71-3406, 72-201, 72-1239, 72-2007, 76-2222, 77-5004, 79-760.03, 79-2204, 81-1603, and 84-1501, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to reimbursement for expenses as prescribed; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-1181, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 428. Introducer by Vargas, 7; Ebke, 32; Walz, 15; Wayne, 13.

A BILL FOR AN ACT relating to schools; to state findings; to provide duties for school districts and the State Department of Education relating to policies for pregnant and parenting students; and to provide for training.

LEGISLATIVE BILL 431. Introducer by Erdman, 47; Groene, 42; Halloran, 33; Lowe, 37.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section 13-504, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to cash reserves; to provide operative dates; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 433. Introducer by Ebke, 32.

A BILL FOR AN ACT relating to state agencies; to require a criminal history record information check for employees who have direct access to federal tax information as prescribed.

LEGISLATIVE BILL 434. Introducer by Ebke, 32.

A BILL FOR AN ACT relating to juveniles; to amend section 43-278, Reissue Revised Statutes of Nebraska; to change provisions relating to videoconferencing for certain hearings as prescribed; and to repeal the original section.

LEGISLATIVE BILL 435. Introducer by Ebke, 32.

A BILL FOR AN ACT relating to probation; to amend section 28-912, Reissue Revised Statutes of Nebraska; to change penalty provisions relating to escape; and to repeal the original section.

LEGISLATIVE BILL 436. Introducer by Ebke, 32.

A BILL FOR AN ACT relating to labor; to amend sections 48-106, 48-220, 48-234, 48-236, 48-237, 48-902, 48-1002, 48-1202, 48-1902, and 48-2208, Reissue Revised Statutes of Nebraska, and sections 48-603, 48-1102, 48-1220, 48-1229, 48-2302, and 48-3502, Revised Statutes Cumulative Supplement, 2016; to change the definition of employer to exclude certain franchisors for purposes of various labor statutes; to define and redefine terms; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 437. Introducer by Craighead, 6.

A BILL FOR AN ACT relating to the Taxpayer Transparency Act; to amend sections 84-602.03 and 84-602.04, Revised Statutes Cumulative Supplement, 2016; to define a term; to change provisions relating to the provision and publication of certain information; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 438. Introducer by Howard, 9; Pansing Brooks, 28; Blood, 3; Crawford, 45; Baker, 44; Kolowski, 31.

A BILL FOR AN ACT relating to health program funding; to amend section 77-4008, Reissue Revised Statutes of Nebraska, and sections 71-801, 71-7611, and 77-2602, Revised Statutes Cumulative Supplement, 2016; to increase the cigarette and tobacco taxes as prescribed and provide for the distribution of funds; to create a fund and provide for its use; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 439. Introducer by Wishart, 27; Kolterman, 24.

A BILL FOR AN ACT relating to assisted-living facilities; to amend sections 71-406, 71-5803.05, 71-5902, 71-5903, 71-5904, and 71-5906, Reissue Revised Statutes of Nebraska, and sections 71-5905, 71-6725, and 71-9402, Revised Statutes Cumulative Supplement, 2016; to define and redefine terms; to change provisions relating to licensure of assisted-living facilities; to change requirements for and services provided to applicants for admission to and residents of assisted-living facilities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 440. Introducer by Wishart, 27.

A BILL FOR AN ACT relating to offenses against animals; to amend section 28-101, Reissue Revised Statutes of Nebraska; to provide immunity from criminal or civil liability for removal of an animal from a motor vehicle by forcible entry as prescribed; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 441. Introducer by Morfeld, 46; Vargas, 7; Hansen, 42.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-915, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to eligibility; and to repeal the original section.

LEGISLATIVE BILL 442. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2016; to create the Medical Assistance Managed Care Organization Oversight Committee; to provide powers and duties; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 443. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2716, 77-2717, 77-2734.03, and 77-3806, Revised Statutes Cumulative Supplement, 2016; to adopt the Student Loan Repayment Tax Credit Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 446. Introducer by Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 24-1106, 25-1140.09, 28-104, 28-202, 28-303, 29-1602, 29-1822, 29-2004, 29-2005, 29-2006, 29-2020, 29-2027, 29-2407, 29-2801, 29-3205, 29-3920, 29-3928, 29-3929, and 29-3930, Reissue Revised Statutes of Nebraska, 2008, sections 23-3406, 23-3408, 28-105, 55-480, 83-1,110.02, and 83-4,143, Reissue Revised Statutes of Nebraska, sections 28-1356, 29-1603, and 29-3922, Revised Statutes Cumulative Supplement, 2014, section 29-2261, Revised Statutes Cumulative Supplement, 2014, as amended by Laws 2015, LB504, section 1, section 28-201, Revised Statutes Cumulative Supplement, 2014, as amended by Laws 2015, LB605, section 8, and section 29-2204, Revised Statutes Cumulative Supplement, 2014, as amended by Laws 2015, LB605, section 60; to eliminate the death penalty; to change and eliminate provisions relating to murder in the first degree, presentence reports, indeterminate sentences, the Commission on Public Advocacy, and the authority of courts and the Department of Correctional Services; to state intent; to eliminate a homicide-case report, provisions on capital punishment, proportionality review provisions, and obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 24-1105, 29-2519, 29-2521, 29-2521.01, 29-2521.03, 29-2521.04, 29-2521.05, 29-2523, 29-2524.01, 29-2524.02, 29-2525, 29-2527, 29-2528, and 29-2811, Reissue Revised Statutes of Nebraska, 2008, sections 83-1,132, 83-964, 83-965, 83-966, 83-967, 83-968, 83-969, 83-970, 83-971, and 83-972, Reissue Revised Statutes of Nebraska, and sections 28-105.01, 29-2520, 29-2521.02, 29-2522, 29-2524, 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543, and 29-2546, Revised Statutes Cumulative Supplement, 2014.

LEGISLATIVE BILL 447. Introducer by Chambers, 11; Ebke, 32; McCollister, 20.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-105, Reissue Revised Statutes of Nebraska; to eliminate certain mandatory minimum penalties; and to repeal the original section.

LEGISLATIVE BILL 447A. Introducer by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 447, One Hundred Fifth Legislature, First Session, 2017.

LEGISLATIVE BILL 448. Introducer by Chambers, 11.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-452, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to the hunting of mountain lions; to repeal the original section; and to outright repeal section 37-473, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 449. Introducer by Chambers, 11.

A BILL FOR AN ACT relating to prairie dogs; to amend section 81-2,236, Reissue Revised Statutes of Nebraska; to repeal the Black-Tailed Prairie Dog Management Act; to harmonize provisions; to repeal the original section; and to outright repeal sections 23-3801, 23-3802, 23-3803, 23-3804, 23-3805, 23-3806, 23-3807, 23-3808, 23-3809, and 23-3810, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 450. Introducer by Chambers, 11.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Patient Choice at End of Life Act; to provide penalties; and to provide severability.

LEGISLATIVE BILL 452. Introducer by Lindstrom, 18; Smith, 48; Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716.01, Reissue Revised Statutes of Nebraska, and sections 77-382, 77-2701.16, 77-2715.01, 77-2715.03, and 77-2734.02, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to a tax expenditure report; to impose sales and use taxes on certain services; to provide duties for the Tax Rate Review Committee; to change income tax rates and personal exemption amounts; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-2704.07, 77-2704.14, and 77-2704.38, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 453. Introducer by Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to income tax adjustments for social security benefits; and to repeal the original section.

LEGISLATIVE BILL 456. Introducer by Briese, 41; Bolz, 29.

A BILL FOR AN ACT relating to children; to state findings and intent; to define terms; to provide for supportive services for disabled parents or disabled prospective parents with respect to adoption, custody, visitation, foster care, child welfare, and family law as prescribed.

LEGISLATIVE BILL 457. Introducer by Briese, 41; Erdman, 47; Groene, 42; Linehan, 39.

A BILL FOR AN ACT relating to school finance; to amend sections 77-3442, 79-1003, and 79-1028.01, Revised Statutes Cumulative Supplement, 2016; to change exceptions to levy limitations and budget limitations for new voluntary termination agreements; to redefine a term; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 459. Introducer by Smith, 48.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend section 76-2319, Reissue Revised Statutes of Nebraska; to change provisions relating to the rules and regulations and board of directors governing the statewide one-call notification center; to provide for the establishment of best practices; and to repeal the original section.

LEGISLATIVE BILL 460. Introducer by Smith, 48.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-303.01, 75-303.02, and 75-303.03, Reissue Revised Statutes of Nebraska, and sections 75-128, 75-306, 75-309, and 75-311, Revised Statutes Cumulative Supplement, 2016; to change provisions regulating the transportation of clients of the Department of Health and Human Services and other authorized agencies as prescribed; to change provisions relating to the issuance of permits by the Public Service Commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 461. Introducer by Smith, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2016; to correct references to a federal act; and to repeal the original section.

LEGISLATIVE BILL 462. Introducer by Smith, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2712.03, Revised Statutes Cumulative Supplement, 2016; to correct provisions relating to the streamlined sales and use tax agreement; and to repeal the original section.

LEGISLATIVE BILL 465. Introducer by Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the State Department of Education.

LEGISLATIVE BILL 466. Introducer by Brasch, 16.

A BILL FOR AN ACT relating to nurse-midwives; to amend sections 28-401, 38-101, 38-205, 38-206, 38-208, 38-209, 38-601, 38-602, 38-603, 38-604, 38-606, 38-607, 38-609, 38-610, 38-611, 38-612, 38-613, 38-615, 38-616, 38-617, 38-618, 38-2838, 38-2850, and 71-1405, Reissue Revised Statutes of Nebraska, and sections 68-911, 71-503.02, 71-2048.01, 71-2445, and 71-2473, Revised Statutes Cumulative Supplement, 2016; to eliminate requirements for integrated practice agreements; to provide, change, and eliminate definitions; to provide for transition-to-practice agreements; to change and eliminate provisions relating to credentialing and regulation; to harmonize provisions; to repeal the original sections; and to outright repeal section 38-614, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 467. Introducer by Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1116, 77-2905, 77-2906, and 77-5723, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the New Markets Job Growth Investment Act, the Nebraska Job Creation and Mainstreet Revitalization Act, and the Nebraska Advantage Act; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 468. Introducer by Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.09, Reissue Revised Statutes of Nebraska, and sections 77-202, 77-1238, 77-1239, 77-2715.03, 77-27,132, and 77-4212, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to certain property tax exemptions, inflation adjustments to income tax brackets, the tax treatment of certain extraordinary dividends and capital gains, the distribution of sales and use taxes, and property tax credits; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 469. Introducer by Larson, 40.

A BILL FOR AN ACT relating to gambling; to amend sections 28-1101, 28-1105, and 28-1113, Reissue Revised Statutes of Nebraska; to adopt the Fantasy Contests Act; to redefine terms; to provide a gambling exception for conducting or participating in fantasy contests; to change a provision relating to the possession of gambling records; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 469A. Introducer by Larson, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 469, One Hundred Fifth Legislature, First Session, 2017.

LEGISLATIVE BILL 471. Introducer by Kolowski, 31.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,179.01, Revised Statutes Cumulative Supplement, 2016; to provide for the enforcement of the prohibition against using a handheld wireless communication device as a primary action; and to repeal the original section.

LEGISLATIVE BILL 472. Introducer by Bostelman, 23.

A BILL FOR AN ACT relating to highways; to amend section 39-220, Reissue Revised Statutes of Nebraska; to change provisions relating to permits for advertisements along the Highway Beautification Control System; to eliminate a fee; to change provisions relating to the Department of Roads' authority to make rules and regulations concerning signs along highways; and to repeal the original section.

LEGISLATIVE BILL 473. Introducer by Walz, 15; Hansen, 42; Morfeld, 46.

A BILL FOR AN ACT relating to labor; to require rest periods for employees as prescribed; and to provide a penalty.

LEGISLATIVE BILL 474. Introducer by Baker, 44.

A BILL FOR AN ACT relating to insurance; to require coverage for filling prescriptions to synchronize the patient's medications.

LEGISLATIVE BILL 475. Introducer by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2912, Revised Statutes Cumulative Supplement, 2016; to change the application deadline under the Nebraska Job Creation and Mainstreet Revitalization Act; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 477. Introducer by McCollister, 20; Groene, 42.

A BILL FOR AN ACT relating to weights and measures; to amend section 89-197, Revised Statutes Cumulative Supplement, 2016; to prohibit certain unlawful acts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 479. Introducer by Groene, 42.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend sections 13-503 and 13-506, Revised Statutes Cumulative Supplement, 2016; to redefine a term; to change provisions relating to public hearings on proposed budget statements; and to repeal the original sections.

LEGISLATIVE BILL 480. Introducer by McCollister, 20; Lindstrom, 18.

A BILL FOR AN ACT relating to insurance; to provide requirements relating to health benefit plans and coverage of insureds in jail custody.

LEGISLATIVE BILL 482. Introducer by Smith, 48.

A BILL FOR AN ACT relating to public lettings and contracts; to adopt the Government Neutrality in Contracting Act.

LEGISLATIVE BILL 484. Introducer by Kolowski, 31.

A BILL FOR AN ACT relating to schools; to create and provide duties for the School Financing Review Commission; to state intent relating to appropriations; and to declare an emergency.

LEGISLATIVE BILL 485. Introducer by Pansing Brooks, 28; Albrecht, 17; Brewer, 43; Ebke, 32; Linehan, 39; McCollister, 20; Morfeld, 46; Schumacher, 22.

A BILL FOR AN ACT relating to state holidays; to amend sections 25-2221 and 62-301, Reissue Revised Statutes of Nebraska; to establish Chief Standing Bear and Indigenous Leaders' Day; to eliminate a state holiday; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 486. Introducer by Kolterman, 24.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3902 and 44-3905, Reissue Revised Statutes of Nebraska, and section 44-3904, Revised Statutes Cumulative Supplement, 2016; to define terms; to change continuing education requirements; to provide powers and duties; to establish a fee; and to repeal the original sections.

LEGISLATIVE BILL 489. Introducer by Groene, 42.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2103, Revised Statutes Cumulative Supplement, 2016; to redefine redevelopment project; and to repeal the original section.

LEGISLATIVE BILL 490. Introducer by Walz, 15; Bostelman, 23; Crawford, 45; Ebke, 32; Groene, 42; Kolowski, 31; Kolterman, 24; Linehan, 39; Morfeld, 46.

A BILL FOR AN ACT relating to universities and colleges; to amend section 85-1412, Revised Statutes Cumulative Supplement, 2016; to adopt the College Choice Grant Program Act; to provide duties for the Coordinating Commission for Postsecondary Education; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 491. Introducer by McCollister, 20.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-1009.01, Reissue Revised Statutes of Nebraska; to define terms; to provide for the offense of fraudulent misrepresentation of a service animal; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 493. Introducer by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to maintain the Network of Care.

LEGISLATIVE BILL 494. Introducer by Briese, 41; Brewer, 43.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2016; to provide for withholding certain public records; and to repeal the original section.

LEGISLATIVE BILL 495. Introducer by Riepe, 12.

A BILL FOR AN ACT relating to developmental disabilities; to amend section 83-1216, Reissue Revised Statutes of Nebraska, and sections 71-1101, 71-1107, and 71-1108.01, Revised Statutes Cumulative Supplement, 2016; to define and redefine terms and eliminate definitions; to change and eliminate provisions relating to legislative intent; to harmonize provisions; to repeal the original sections; to outright repeal section 71-1113, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 496. Introducer by Stinner, 48.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2103, Revised Statutes Cumulative Supplement, 2016; to define and redefine terms; and to repeal the original section.

LEGISLATIVE BILL 497. Introducer by Brewer, 43; Linehan, 39; Blood, 3.

A BILL FOR AN ACT relating to veterans; to amend sections 48-227, 48-238, and 71-1382.01, Revised Statutes Cumulative Supplement, 2016; to change references to a federal form relating to veterans; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 498. Introducer by Brewer, 43; Geist, 25; Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3509.01, 77-3509.02, 77-3514, and 77-3516, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to transfer of homestead exemptions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 499. Introducer by Brewer, 43; Linehan, 39.

A BILL FOR AN ACT relating to the Nebraska Apiary Act; to amend section 81-2,165.01, Reissue Revised Statutes of Nebraska; to provide for voluntary registration of Nebraska apiaries and bee hives as prescribed; to provide duties for the Department of Agriculture; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 500. Introducer by Brewer, 43; Linehan, 39; Blood, 3.

A BILL FOR AN ACT relating to firearms; to amend sections 15-255, 17-556, 18-1703, 28-1202, 37-708, 37-712, 60-6,342, and 69-2445, Reissue Revised Statutes of Nebraska, and sections 14-102 and 16-227, Revised Statutes Cumulative Supplement, 2016; to authorize the carrying of concealed handguns by qualified active and retired law enforcement officers as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 501. Introducer by Brewer, 43.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2441, Reissue Revised Statutes of Nebraska, and section 69-2443, Revised Statutes Cumulative Supplement, 2016; to change a provision relating to the prohibition on locations where a permit holder may carry a concealed handgun; to change a penalty; and to repeal the original sections.

LEGISLATIVE BILL 502. Introducer by Brewer, 43; Groene, 42.

A BILL FOR AN ACT relating to firearms; to amend sections 15-255, 17-556, 18-1703, 28-1202, 28-1204.04, and 69-2428, Reissue Revised Statutes of Nebraska, and sections 14-102, 16-227, 69-2402, 71-904.01, and 71-963, Revised Statutes Cumulative Supplement, 2016; to adopt the Permitless Concealed Carry Act; to prohibit the regulation of concealed handguns by cities and villages as prescribed; to change provisions relating to unlawful carrying of a concealed weapon; to change provisions relating to unlawful possession of a firearm at a school; to change provisions relating to petitions for removal of a person's firearm-related disabilities; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 503. Introducer by Brewer, 43; Linehan, 39; Ebke, 32.

A BILL FOR AN ACT relating to public employers; to prohibit certain provisions in collective-bargaining agreements; and to prohibit certain deductions from wages.

LEGISLATIVE BILL 504. Introducer by Brewer, 43; Groene, 42.

A BILL FOR AN ACT relating to wind energy; to amend sections 66-901 and 66-902, Revised Statutes Cumulative Supplement, 2016; to change and provide legislative findings; to provide for a moratorium on industrial development of wind energy projects as prescribed; to provide for a special task force and a report to the Legislature; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 505. Introducer by Brewer, 43.

A BILL FOR AN ACT relating to refugees; to adopt the Refugee Resettlement Notification Act; and to declare an emergency.

LEGISLATIVE BILL 507. Introducer by Albrecht, 17; Brasch, 16.

A BILL FOR AN ACT relating to labor; to amend sections 81-401 and 81-406, Revised Statutes Cumulative Supplement, 2016; to eliminate the Farm Labor Contractors Act and obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 48-1701, 48-1702, 48-1703, 48-1704, 48-1705, 48-1708, 48-1709, 48-1710, 48-1711, 48-1712, 48-1713, and 48-1714, Reissue Revised Statutes of Nebraska, and section 48-1706, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 510. Introducer by Ebke, 32; Geist, 25; Groene, 42; Hilgers, 21.

A BILL FOR AN ACT relating to cities, counties, and other political subdivisions; to provide a restriction on installment contracts for the purchase of real or personal property.

LEGISLATIVE BILL 511. Introducer by Education Committee: Groene, 42, Chairperson; Ebke, 32; Erdman, 47; Kolowski, 31; Linehan, 39; Morfeld, 46; Pansing Brooks, 28; Walz, 15.

A BILL FOR AN ACT relating to education; to amend sections 43-1311, 79-1125.01, and 79-1142, Reissue Revised Statutes of Nebraska, and section 79-215, Revised Statutes Cumulative Supplement, 2016; to provide duties for school districts, the State Department of Education, and the Department of Health and Human Services; to provide for the payment of the cost of education and required transportation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 513. Introducer by Hilkemann, 4; Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to provide for a base rate increase for hospital services provided under a medicaid prospective payment system.

LEGISLATIVE BILL 514. Introducer by Bolz, 29; Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to state intent to appropriate funds for a Justice Reinvestment Initiative Coordinator.

LEGISLATIVE BILL 515. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to education; to amend sections 85-1539 and 85-1540, Reissue Revised Statutes of Nebraska; 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 state intent to provide an appropriation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 516. Introducer by Pansing Brooks, 28; Baker, 44; Krist, 10.

A BILL FOR AN ACT relating to juvenile facilities; to amend section 83-4,134.01, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to reports; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 520. Introducer by Hansen, 42.

A BILL FOR AN ACT relating to firearms; to amend sections 69-2404, 69-2405, 69-2410, 69-2411, 69-2412, 69-2414, 69-2421, 69-2422, 69-2424, 69-2425, 69-2429, and 69-2430, Reissue Revised Statutes of Nebraska, and sections 69-2402, 69-2409, 69-2409.01, 69-2427, 69-2436, and 69-2439, Revised Statutes Cumulative Supplement, 2016; to define terms; to require notification when a person prohibited by state or federal law attempts to purchase, lease, rent, or receive transfer of a handgun or apply for a permit to carry a concealed handgun under the Concealed Handgun Permit Act; to require reports; to eliminate an obsolete provision; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 521. Introducer by Walz, 15.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1003, 79-1007.11, and 79-1017.01, Revised Statutes Cumulative Supplement, 2016; to change provisions related to early childhood education aid; to provide a new allowance; to provide aid; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 522. Introducer by Walz, 15.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-324, Reissue Revised Statutes of Nebraska; to eliminate terminated provisions relating to fund transfers; and to repeal the original section.

LEGISLATIVE BILL 523. Introducer by Walz, 15.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-580, Reissue Revised Statutes of Nebraska; to change provisions relating to financial assistance from the Nebraska Internet Enhancement Fund; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 524. Introducer by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to supplement financial assistance from the Nebraska Internet Enhancement Fund.

LEGISLATIVE BILL 525. Introducer by Morfeld, 46.

A BILL FOR AN ACT relating to education; to amend section 79-8,129, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Cumulative Supplement, 2016; to change funding provisions related to the Nebraska Education Improvement Fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 527. Introducer by Morfeld, 46.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1225, Reissue Revised Statutes of Nebraska; to provide for the subpoena of records in certain cases; and to repeal the original section.

LEGISLATIVE BILL 528. Introducer by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 58-210.02, Reissue Revised Statutes of Nebraska, and sections 77-1108, 77-1109, and 77-1116, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the New Markets Job Growth Investment Act; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 529. Introducer by Harr, 8.

A BILL FOR AN ACT relating to abortion; to amend section 71-6903, Revised Statutes Cumulative Supplement, 2016; to authorize county courts sitting as probate courts in cases of guardianship to authorize abortions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 531. Introducer by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2703, Revised Statutes Cumulative Supplement, 2016; to change sales tax collection fees for motor vehicles as prescribed; and to repeal the original section.

LEGISLATIVE BILL 532. Introducer by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2323.01, 24-710.04, 79-926, 81-2034, and 84-1325, Reissue Revised Statutes of Nebraska; to change provisions relating to a military service credit for certain retirement plans as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 534. Introducer by Vargas, 7; Bolz, 29.

A BILL FOR AN ACT relating to behavioral health; to provide for a housing coordinator; to provide powers and duties; to provide for funding for programs and services; and to state intent relating to appropriations.

LEGISLATIVE BILL 536. Introducer by Hughes, 44.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3224, Reissue Revised Statutes of Nebraska; to clarify disbursement provisions; and to repeal the original section.

LEGISLATIVE BILL 537. Introducer by Hughes, 44.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend sections 68-1723 and 68-1724, Reissue Revised Statutes of Nebraska, and section 68-1708, Revised Statutes Cumulative Supplement, 2016; to provide for drug-screening of applicants for and recipients of cash assistance benefits; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 538. Introducer by Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for Legal Education for Public Service and Rural Practice Loan Repayment Assistance aid; and to declare an emergency.

LEGISLATIVE BILL 540. Introducer by Stinner, 48.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003, 79-1005.01, 79-1007.11, and 79-1009, Revised Statutes Cumulative Supplement, 2016; to redefine and provide for a temporary aid adjustment factor; to change the calculation of formula need, allocated income tax funds, and net option funding; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 541. Introducer by Quick, 35; Friesen, 34.

A BILL FOR AN ACT relating to the Nebraska Lottery and Raffle Act; to amend sections 9-402, 9-422, 9-426, 9-427, and 9-429, Reissue Revised Statutes of Nebraska; to change restrictions on gross proceeds for conducting lotteries and raffles; to change provisions relating to special permits; to change the gross-proceed percentage for the awarding of prizes in a raffle; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 542. Introducer by Kuehn, 38.

A BILL FOR AN ACT relating to medicaid; to amend sections 30-2483, 30-3880, 30-3881, 30-3882, 33-109, and 44-371, Reissue Revised Statutes of Nebraska, and sections 68-901, 68-907, 68-919, and 77-2018.02, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to decedents' estates, recording fees, and the inheritance tax; to provide for liens and recovery of debt incurred under the Medical Assistance Act; to authorize medical providers to apply for medical assistance on behalf of certain individuals; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 543. Introducer by Watermeier, 1.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5701, 77-5702, and 77-5723, Revised Statutes Cumulative Supplement, 2016; to define a term for purposes of certain evaluations; to change provisions relating to applications; to provide reporting requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 544. Introducer by Watermeier, 1.

A BILL FOR AN ACT relating to clerks of the district court; to amend sections 22-417, 24-507, 32-524, and 32-567, Reissue Revised Statutes of Nebraska; to provide for an agreement relating to duties in a county without an elected clerk of the district court; to provide for elimination of the office of clerk of the district court by a vote of the county board; to change duties of clerk magistrates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 545. Introducer by Watermeier, 1.

A BILL FOR AN ACT relating to the Property Tax Credit Cash Fund; to provide for fund transfers; and to state legislative intent.

LEGISLATIVE BILL 546. Introducer by Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5706, 77-5708, 77-5710, 77-5714, 77-5717, 77-5719.01, and 77-5724, Reissue Revised Statutes of Nebraska, and sections 77-27,144, 77-5701, 77-5703, 77-5715, 77-5723, 77-5725, 77-5726, 77-5727, 77-5728, 77-5731, and 77-5734, Revised Statutes Cumulative Supplement, 2016; to change the Nebraska Advantage Act as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 548. Introducer by Lindstrom, 18.

A BILL FOR AN ACT relating to retirement; to amend section 79-933, Reissue Revised Statutes of Nebraska, and sections 79-916, 79-934, 79-966, 79-978.01, 79-979, and 79-1028.01, Revised Statutes Cumulative Supplement, 2016; to provide for the consolidation of the Class V school employees' retirement system and the School Employees Retirement System of the State of Nebraska; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 550. Introducer by Lindstrom, 18.

A BILL FOR AN ACT relating to the Comprehensive Health Insurance Pool Act; to amend section 44-4227, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to an independent actuary; and to repeal the original section.

LEGISLATIVE BILL 551. Introducer by Walz, 15; Craighead, 6.

A BILL FOR AN ACT relating to the Real Property Appraiser Act; to amend sections 76-2228.01, 76-2230, 76-2231.01, and 76-2232, Revised Statutes Cumulative Supplement, 2016; to change qualifications for certain real property appraiser credentials; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 552. Introducer by Walz, 15; Bolz, 29; Hansen, 42.

A BILL FOR AN ACT relating to public health and welfare; to state intent; to provide for a Children's Connection program; to provide duties for the Division of Behavioral Health of the Department of Health and Human Services and the behavioral health regions; and to state intent relating to appropriations.

LEGISLATIVE BILL 553. Introducer by Lowe, 37; Kolterman, 24; Lindstrom, 18; Krist, 10; Harr, 8; McCollister, 20; Brewer, 43.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-1,110, Revised Statutes Cumulative Supplement, 2016; to provide for the filing of a nonelection of coverage as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 554. Introducer by Smith, 48.

A BILL FOR AN ACT relating to education; to provide for a financial transparency web site for schools, school districts, and educational service units; and to provide duties.

LEGISLATIVE BILL 555. Introducer by Smith, 48.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission Act; to amend sections 77-5004 and 77-5013, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to reimbursements and filing fees; to eliminate provisions relating to determining appeals and giving notice to certain parties; to repeal the original sections; and to outright repeal section 77-5015.01, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 556. Introducer by Halloran, 33; Brewer, 43.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101, 28-1201, 28-1204.04, 28-1205, 28-1206, 28-1212.04, 28-1351, and 28-1354, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to unlawful possession of a firearm at a school; to provide for and increase penalties; to create the offense of use of a facsimile firearm or nonfunctioning firearm to commit a felony; 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 change provisions relating to discharge of a firearm in certain cities and counties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 557. Introducer by Harr, 8; Williams, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 66-1344, 77-1229, and 81-125, Reissue Revised Statutes of Nebraska, and sections 18-2119, 18-2710.03, 49-801.01, 77-202, 77-2711, 77-27,119, 77-27,144, 77-5725, 77-5905, and 84-602.03, Revised Statutes Cumulative Supplement, 2016; to adopt the Great Opportunities Nebraska Act; to stop accepting applications under the Nebraska Advantage Act; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 559. Introducer by Schumacher, 22.

A BILL FOR AN ACT relating to electronic payment transactions; to prohibit the collection of interchange fees on specified taxes and fees; and to provide penalties.

LEGISLATIVE BILL 560. Introducer by Schumacher, 22.

A BILL FOR AN ACT relating to correctional services; to amend section 83-4,111, Reissue Revised Statutes of Nebraska, and sections 83-170, 83-173.03, 83-4,114, and 83-4,114.01, Revised Statutes Cumulative Supplement, 2016; to redefine terms; to change provisions relating to restrictive housing, departmental rules and regulations, reports, and inmate discipline; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 561. Introducer by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 39-2703, Reissue Revised Statutes of Nebraska, and sections 77-2701 and 77-2715.07, Revised Statutes Cumulative Supplement, 2016; to create the Taxpayer Investment Program; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 562. Introducer by McCollister, 20; Krist, 10.

A BILL FOR AN ACT relating to correctional services; to provide for a report.

LEGISLATIVE BILL 563. Introducer by McCollister, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-382 and 77-2701.16, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to a tax expenditure report; to impose sales and use taxes on certain services; to eliminate certain sales and use tax exemptions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-2704.07, 77-2704.14, and 77-2704.38, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 564. Introducer by McCollister, 20.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Nebraska Main Street Fairness Act; and to declare an emergency.

LEGISLATIVE BILL 565. Introducer by McCollister, 20.

A BILL FOR AN ACT relating to tax incentive programs; to amend sections 77-4104, 77-4928, and 77-5534, Reissue Revised Statutes of Nebraska, and sections 77-2711, 77-27,119, 77-27,187.02, 77-5723, 77-6309, 84-602.01, and 84-602.03, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the disclosure and confidentiality of information on tax

incentive programs; to change the Taxpayer Transparency Act to require the posting of information relating to tax incentive programs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 567. Introducer by Bolz, 29.

A BILL FOR AN ACT relating to public assistance; to amend section 68-130, Revised Statutes Cumulative Supplement, 2016; to change funding for county offices; to provide an operative date; to repeal the original section; and to outright repeal section 81-1139.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 568. Introducer by Erdman, 47; Halloran, 33.

A BILL FOR AN ACT relating to teachers; to amend sections 79-808 and 79-814.01, Reissue Revised Statutes of Nebraska; to change provisions related to temporary teaching certificates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 569. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to community colleges; to amend sections 85-1515 and 85-1517, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2016; to establish the Community College Task Force; to change provisions for community colleges to levy property taxes; to provide termination dates; and to repeal the original sections.

LEGISLATIVE BILL 570. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Cumulative Supplement, 2016; to exempt all tangible personal property from property tax; and to repeal the original section.

LEGISLATIVE BILL 571. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003 and 79-1005.01, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to allocated income tax funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 572. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4209, Reissue Revised Statutes of Nebraska, and sections 77-5725 and 79-1001, Revised Statutes Cumulative Supplement, 2016; to provide termination dates for the Property Tax Credit Act and the Tax Equity and Educational Opportunities Support Act; to change deadlines for applications under the Nebraska Advantage Act; and to repeal the original sections.

LEGISLATIVE BILL 573. Introducer by Friesen, 34.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend sections 86-101, 86-103, 86-124, and 86-143, Reissue Revised Statutes of Nebraska; to define a term; to provide for a nonregulated activity; to change provisions relating to local competition determinations and rate list filing requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 575. Introducer by Kolowski, 31.

A BILL FOR AN ACT relating to education; to provide for legislative findings; to define terms; to provide funding for schools implementing and offering programs as prescribed; and to state intent related to funding.

LEGISLATIVE BILL 576. Introducer by Brewer, 43; Linehan, 39; Lindstrom, 18; Erdman, 47; Lowe, 37; Geist, 25; Hilgers, 21; Murante, 49; Ebke, 32; Hilkemann, 4.

A BILL FOR AN ACT relating to revenue and taxation; to limit increases in property tax bills as prescribed.

LEGISLATIVE BILL 577. Introducer by Hilgers, 21.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101, 28-929.01, 28-1351, and 28-1354, Reissue Revised Statutes of Nebraska; to create the offense of assault on a peace officer, firefighter, or out-of-hospital emergency care provider by ambush; to create a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 579. Introducer by McDonnell, 5.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 18-1208, Reissue Revised Statutes of Nebraska, and section 14-109, Revised Statutes Cumulative Supplement, 2016; to provide for termination of occupation taxes subject to a vote of the people; to require a change in the rate of certain occupation taxes to be subject to a vote of the people; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 580. Introducer by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the Office of Violence Prevention; and to declare an emergency.

LEGISLATIVE BILL 581. Introducer by McDonnell, 5; Hilkemann, 4; Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1401 and 49-1402, Reissue Revised Statutes of Nebraska; to state legislative findings; to require certain disclosures; to provide certain rights; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 582. Introducer by McDonnell, 5.

A BILL FOR AN ACT relating to credit unions; to amend section 21-1743, Reissue Revised Statutes of Nebraska; to authorize membership in a credit union by geographic boundary; and to repeal the original section.

LEGISLATIVE BILL 585. Introducer by Linehan, 39.

A BILL FOR AN ACT relating to animals; to amend sections 28-1009, 28-1012.01, 28-1019, 54-617, 54-618, 54-620, 54-622, 54-622.01, 54-623, 54-623.01, and 54-624, Reissue Revised Statutes of Nebraska; to change a deadline for filing a hearing application regarding seized animals; to define and redefine terms; to change provisions relating to determination of a dangerous dog; to provide a requirement as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 586. Introducer by Linehan, 39.

A BILL FOR AN ACT relating to prescription drug monitoring; to amend section 71-2454, Revised Statutes Cumulative Supplement, 2016; to define and redefine terms; to change requirements for the prescription drug monitoring system; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 587. Introducer by Crawford, 45.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,124, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to school permits; and to repeal the original section.

LEGISLATIVE BILL 588. Introducer by Crawford, 45.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-1708, Reissue Revised Statutes of Nebraska; to exempt the practice of reflexology from licensure under the Massage Therapy Practice Act; and to repeal the original section.

LEGISLATIVE BILL 589. Introducer by Crawford, 45; Watermeier, 1; Baker, 44; Blood, 3.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1917, Reissue Revised Statutes of Nebraska; to provide for depositions of a child victim or child witness; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 591. Introducer by Crawford, 45.

A BILL FOR AN ACT relating to the Contractor Registration Act; to amend sections 48-2102, 48-2103, 48-2105, 48-2110, 48-2111, 48-2112, 48-2113, 48-2114, and 81-1616, Reissue Revised Statutes of Nebraska; to define a term; to provide compliance requirements for registered contractors; to provide for

enforcement of certain building and construction codes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 592. Introducer by Crawford, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5725 and 77-5726, Revised Statutes Cumulative Supplement, 2016; to change the tax incentives available under the Nebraska Advantage Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 593. Introducer by Hughes, 44.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-101, 28-111, 28-522, and 54-617, Reissue Revised Statutes of Nebraska; to create the offense of criminal trespass to vehicles; to provide a penalty and an affirmative defense; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 594. Introducer by Groene, 42.

A BILL FOR AN ACT relating to the Nebraska Uniform Limited Liability Company Act; to amend section 21-118, Reissue Revised Statutes of Nebraska; to require a limited liability company seeking a tax benefit to file an amended certificate of organization as prescribed; and to repeal the original section.

LEGISLATIVE BILL 595. Introducer by Groene, 42.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend section 79-254, Reissue Revised Statutes of Nebraska; to provide for use of physical force or physical restraint or removal from a class in response to student behavior; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 596. Introducer by Groene, 42.

A BILL FOR AN ACT relating to the Veterinary Medicine and Surgery Practice Act; to amend sections 38-3301, 38-3302, 38-3314, and 38-3321, Reissue Revised Statutes of Nebraska; to define equine massage therapy; to exempt equine massage therapy from licensure and regulation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 598. Introducer by Groene, 42.

A BILL FOR AN ACT relating to the Industrial Relations Act; to amend section 48-818, Revised Statutes Cumulative Supplement, 2016; to require consideration of certain factors by the Commission of Industrial Relations when establishing wage rates; and to repeal the original section.

LEGISLATIVE BILL 599. Introducer by Groene, 42.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Cumulative Supplement, 2016; to redefine a term; to

exempt certain improvements on land from personal property tax as prescribed; and to repeal the original section.

LEGISLATIVE BILL 601. Introducer by Erdman, 47; Briese, 41; Halloran, 33; Hughes, 44; Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Revised Statutes Cumulative Supplement, 2016; to provide duties for the Department of Revenue; to define a term; to change the distribution of sales and use tax revenue; to provide a termination date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 602. Introducer by Erdman, 47; Briese, 41; Halloran, 33; Lowe, 37; Brewer, 43; Linehan, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-112, 77-1343, 77-5023, and 79-1016, Reissue Revised Statutes of Nebraska, and sections 77-201, 77-1359, and 77-1371, Revised Statutes Cumulative Supplement, 2016; to state intent; to change and eliminate provisions relating to valuation of agricultural land and horticultural land; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 603. Introducer by Riepe, 12.

A BILL FOR AN ACT relating to state government; to amend section 84-1603, Reissue Revised Statutes of Nebraska; to require a high-deductible health plan as an option under the group health insurance contract for state employees; and to repeal the original section.

LEGISLATIVE BILL 604. Introducer by Riepe, 12.

A BILL FOR AN ACT relating to insurance; to amend section 44-361, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Right to Shop Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 606. Introducer by Riepe, 12.

A BILL FOR AN ACT relating to health care services; to adopt the Volunteer Care Act.

LEGISLATIVE BILL 608. Introducer by Linehan, 39.

A BILL FOR AN ACT relating to education; to adopt the Parental Choice Scholarship Program Act.

LEGISLATIVE BILL 609. Introducer by Linehan, 39.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-125.02, Reissue Revised Statutes of Nebraska, and sections 48-120, 48-120.04, and 48-1,110, Revised Statutes Cumulative Supplement, 2016; to provide for an outpatient hospital fee schedule and ambulatory surgical

center fee schedule as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 610. Introducer by Kolowski, 31.

A BILL FOR AN ACT relating to electricity; to amend section 81-15,173, Reissue Revised Statutes of Nebraska; to adopt the Community Solar Energy Economic Development Act; to change provisions relating to the powers and duties of the Nebraska Environmental Trust Board; and to repeal the original section.

LEGISLATIVE BILL 611. Introducer by Stinner, 48; Ebke, 32.

A BILL FOR AN ACT relating to government; to amend section 81-132, Revised Statutes Cumulative Supplement, 2016; to provide for a federal funding inventory from each state agency; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 612. Introducer by Wayne, 13; McDonnell, 5; Vargas, 7.

A BILL FOR AN ACT relating to telecommunications; to amend section 75-109.01, Revised Statutes Cumulative Supplement, 2016; to require direct access to 911 emergency service from certain telephone systems that use Internet protocol-enabled services; to provide for Public Service Commission jurisdiction; and to repeal the original section.

LEGISLATIVE BILL 613. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Housing Agency Act; to amend section 71-1590, Reissue Revised Statutes of Nebraska; to change provisions relating to property tax exemptions; and to repeal the original section.

LEGISLATIVE BILL 614. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2717, Reissue Revised Statutes of Nebraska; to eliminate a restriction relating to appropriations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 615. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to the Security, Privacy, and Dissemination of Criminal History Information Act; to amend section 29-3523, Reissue Revised Statutes of Nebraska; to provide for expungement of criminal history record information in cases of arrests based upon mistaken identity; and to repeal the original section.

LEGISLATIVE BILL 616. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to economic development; to adopt the Startup Nebraska Program Act.

LEGISLATIVE BILL 617. Introducer by Wayne, 13; Krist, 10.

A BILL FOR AN ACT relating to agricultural promotion; to amend section 28-401, Reissue Revised Statutes of Nebraska, and section 2-5701, Revised Statutes Cumulative Supplement, 2016; to adopt the Industrial Hemp Act; to provide an exemption as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 618. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-331, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the use of the Transportation Network Company Regulation Cash Fund; and to repeal the original section.

LEGISLATIVE BILL 619. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to elections; to amend section 32-960, Reissue Revised Statutes of Nebraska; to permit counties to conduct elections by mail; and to repeal the original section.

LEGISLATIVE BILL 620. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development.

LEGISLATIVE BILL 621. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Public Service Commission.

LEGISLATIVE BILL 622. Introducer by Wishart, 27; Craighead, 6; Ebke, 32; Hansen, 42; Kolowski, 31; Krist, 10; Morfeld, 46; Pansing Brooks, 28; Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to cannabis; to amend sections 28-416, 28-439, 77-2701.48, 77-2704.09, and 77-4303, Reissue Revised Statutes of Nebraska, and sections 77-27,132 and 77-27,237, Revised Statutes Cumulative Supplement, 2016; to adopt the Medical Cannabis Act; to change provisions relating to controlled substances and taxation; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 623. Introducer by Wishart, 27.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-115, 28-929, 28-929.01, 28-930, 28-931, 28-1351, and 28-1354, Reissue Revised Statutes of Nebraska; to change and eliminate provisions and penalties relating to assault on an officer, certain employees, or a health care professional;

to define terms; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-931.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 627. Introducer by Larson, 40.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,287, Reissue Revised Statutes of Nebraska, and sections 60-601, 60-605, and 60-6,179.01, Revised Statutes Cumulative Supplement, 2016; to provide for the operation of autonomous motor vehicles as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 628. Introducer by Larson, 40; Morfeld, 46.

A BILL FOR AN ACT relating to political subdivisions; to prohibit ordinances and resolutions prohibiting short-term rentals of residential property as prescribed.

LEGISLATIVE BILL 629. Introducer by Larson, 40.

A BILL FOR AN ACT relating to commercial motor vehicles; to amend sections 60-462, 60-4,131, 60-4,131.01, and 60-4,132, Revised Statutes Cumulative Supplement, 2016; to exempt certain commercial driver's license holders from hazardous materials endorsement requirements as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 630. Introducer by Larson, 40; Linehan, 39.

A BILL FOR AN ACT relating to schools; to amend sections 13-903, 79-1007.12, 79-1065, and 79-1065.02, Reissue Revised Statutes of Nebraska, and sections 48-801, 79-902, 79-978, 79-1001, and 79-1022, Revised Statutes Cumulative Supplement, 2016; to adopt the Independent Public Schools Act; to provide funding; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 631. Introducer by Larson, 40.

A BILL FOR AN ACT relating to gambling; to amend sections 9-329.02, 9-340, 9-340.02, 9-344, 9-345.03, 9-347, 9-347.01, 9-348, and 9-829, Reissue Revised Statutes of Nebraska; to provide for authorization of methods of payment for participation in certain gaming activities as prescribed; to change and eliminate restrictions on rental or purchase and registration of pickle card equipment, pickle card units, payment requirements, taxes, and limitations on definite profit and the use of gross proceeds for awarding prizes for pickle card lotteries; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 632. Introducer by Larson, 40.

A BILL FOR AN ACT relating to government regulation; to amend sections 59-1401, 59-1403, 59-1404, 59-1405, and 59-1406, Reissue Revised Statutes of Nebraska, and sections 53-101, 53-103, 53-123.01, 53-123.14, 53-123.15, 53-124.11, 53-134.01, 53-164.01, 53-186.01, 53-1,100, and 53-1,104, Revised

Statutes Cumulative Supplement, 2016; to define bottle club; to require licensure of bottle clubs as prescribed; to require annual reports by third-party shippers as prescribed; to change provisions relating to manufacturers' licenses, craft brewery licenses, and special designated licenses as prescribed; to change requirements for the sale of beer by certain licensees; to change provisions relating to taxation of beer; to prohibit consumption of alcoholic liquor at bottle clubs as prescribed; to change penalty provisions of the Nebraska Liquor Control Act; to name the Music Licensing Agency Act; to define and redefine terms; to eliminate obsolete references; to provide duties; to require music licensing agencies to register with the Secretary of State; to change penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 632A. Introducer by Larson, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 632, One Hundred Fifth Legislature, First Session, 2017; and to declare an emergency.

LEGISLATIVE BILL 633. Introducer by Kolowski, 31.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 77-3442, 79-1003, and 79-1028.01, Revised Statutes Cumulative Supplement, 2016; to authorize school districts to levy for school security measures and student technology as prescribed; to redefine a term; to authorize school districts to exceed budget limitations as prescribed; to authorize the creation of school funds; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 634. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to schools; to amend sections 79-528 and 79-1003, Revised Statutes Cumulative Supplement, 2016; to change reporting requirements; to define and redefine terms; to include virtual school students in the calculation of aid under the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 635. Introducer by Bostelman, 23; Brewer, 43.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-504 and 37-513, Reissue Revised Statutes of Nebraska; to change violations and penalties as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 636. Introducer by Bostelman, 23.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-564 and 37-568, Reissue Revised Statutes of Nebraska; to change provisions relating to interference with a person hunting, trapping, or fishing; and to repeal the original sections.

LEGISLATIVE BILL 637. Introducer by Bostelman, 23; Brewer, 43.

A BILL FOR AN ACT relating to firearms; to prohibit disclosure of any applicant or permitholder information regarding firearm registration, possession, sale, or use as prescribed.

LEGISLATIVE BILL 638. Introducer by Bostelman, 23; McDonnell, 5; Brewer, 43; Briese, 41.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-111, 28-115, 28-929, 28-929.01, 28-930, 28-931, 28-931.01, 28-1351, and 28-1354, Reissue Revised Statutes of Nebraska; to provide enhanced criminal penalties based upon a person's employment as an officer, a firefighter, an emergency responder, a correctional employee, a Department of Health and Human Services employee, or a health care professional as prescribed; to create the offense of assault on local correctional employees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 640. Introducer by Groene, 42; Erdman, 47; Friesen, 34; Halloran, 33; Hughes, 44; Lowe, 37; Smith, 48; Stinner, 48.

A BILL FOR AN ACT relating to school finance; to amend section 77-4209, Reissue Revised Statutes of Nebraska, and sections 77-3442, 77-4212, and 79-1023, Revised Statutes Cumulative Supplement, 2016; to change provisions of the Property Tax Credit Act; to provide for school district property tax relief; to change the levy limitations for school districts; to change property tax request provisions for school districts; and to repeal the original sections.

LEGISLATIVE BILL 643. Introducer by Krist, 10.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 44-6408, 60-346, 60-509, 60-534, and 60-549, Reissue Revised Statutes of Nebraska, and sections 60-310 and 60-501, Revised Statutes Cumulative Supplement, 2016; to change liability insurance and financial responsibility requirements; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 646. Introducer by Pansing Brooks, 28; Brewer, 43; Ebke, 32; Hansen, 42; Kolowski, 31; Kuehn, 38; McCollister, 20; Morfeld, 46; Stinner, 48; Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to extreme weather preparedness; to require development of a strategic action plan; to state findings; to provide for a task force and require submission of a plan.

LEGISLATIVE BILL 648. Introducer by Pansing Brooks, 28; Ebke, 32; Kolowski, 31; Morfeld, 46.

A BILL FOR AN ACT relating to technology; to create and provide duties for the New Machine Age Task Force.

LEGISLATIVE BILL 649. Introducer by Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Cumulative Supplement, 2016; to prohibit additional services and populations under the medicaid managed care program as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 650. Introducer by Linehan, 39; Brewer, 43.

A BILL FOR AN ACT relating to teachers; to change provisions for teaching certificates as prescribed; to authorize alternative certification for teachers; and to authorize adjunct teaching certificates.

LEGISLATIVE BILL 651. Introducer by Linehan, 39.

A BILL FOR AN ACT relating to schools; to adopt the Nebraska Reading Improvement Act.

LEGISLATIVE BILL 652. Introducer by Kolowski, 31.

A BILL FOR AN ACT relating to flags; to authorize the display of the Honor and Remember Flag as prescribed.

LEGISLATIVE BILL 653. Introducer by Murante, 49.

A BILL FOR AN ACT relating to redistricting; to amend section 49-1499.03, Reissue Revised Statutes of Nebraska, and section 49-1493, Revised Statutes Cumulative Supplement, 2016; to adopt the Redistricting Act; to require statements of financial interest and conflict of interest statements as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 654. Introducer by Murante, 49.

A BILL FOR AN ACT relating to the Automatic Dialing-Announcing Devices Act; to amend sections 75-132.01, 86-236, 86-250, 86-252, 86-253, 86-254, 86-255, 86-256, and 86-257, Reissue Revised Statutes of Nebraska, and section 49-14,123, Revised Statutes Cumulative Supplement, 2016; to change duties of the Public Service Commission; to provide duties and separate jurisdiction for the Nebraska Accountability and Disclosure Commission for political telephone calls or messages; to change provisions relating to registration, enforcement, fines, and appeals; to harmonize provisions; to repeal the original sections; and to outright repeal section 86-239, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 655. Introducer by Murante, 49.

A BILL FOR AN ACT relating to state government; to amend section 81-1108, Reissue Revised Statutes of Nebraska; to authorize state employees to participate in volunteer work at public elementary, middle, and high schools and certain nonprofit organizations during work hours; and to repeal the original section.

LEGISLATIVE BILL 656. Introducer by Baker, 44.

A BILL FOR AN ACT relating to claims against the state; to amend sections 29-3506, 29-4601, 29-4602, 29-4603, 29-4604, 29-4605, 29-4606, 29-4607, 29-4608, 81-8,210, and 81-8,227, Reissue Revised Statutes of Nebraska; to rename the Nebraska Claims for Wrongful Conviction and Imprisonment Act; to provide for claims against the state by persons wrongfully incarcerated; to change provisions relating to the effect of recovery on a claim under such act; to provide a procedure to seek reimbursement from the State Claims Board for certain judgments against political subdivisions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 658. Introducer by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-2,129, Reissue Revised Statutes of Nebraska; to provide for appointment of expert witnesses as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 661. Introducer by Kuehn, 38; Brasch, 16; Brewer, 43; Craighead, 6; Erdman, 47; Friesen, 34; Geist, 25; Groene, 42; Halloran, 33; Kintner, 2; Lowe, 37; Albrecht, 17; Clements, 2.

A BILL FOR AN ACT relating to state records; to amend section 84-712.08, Reissue Revised Statutes of Nebraska; to provide for confidentiality of certain information relating to performing a lethal injection; and to repeal the original section.

LEGISLATIVE BILL 662. Introducer by Linehan, 39; Briese, 41.

A BILL FOR AN ACT relating to schools; to amend section 79-760.06, Revised Statutes Cumulative Supplement, 2016; to establish a grading system for schools and school districts; and to repeal the original section.

LEGISLATIVE BILL 663. Introducer by Kuehn, 38.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1480, Reissue Revised Statutes of Nebraska; to require a copy of a lobbying contract for registration as a lobbyist as prescribed; and to repeal the original section.

LEGISLATIVE BILL 664. Introducer by Kuehn, 38.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1492, Reissue Revised Statutes of Nebraska; to prohibit a political subdivision from compensating a lobbyist with revenue from taxes or fees; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 665. Introducer by Kuehn, 38.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1488, Revised Statutes Cumulative Supplement, 2016; to require a statement of activity regarding certain lobbying activity; and to repeal the original section.

LEGISLATIVE BILL 666. Introducer by Lowe, 37; Kintner, 2.

A BILL FOR AN ACT relating to firearms; to amend section 28-1202, Reissue Revised Statutes of Nebraska; to change provisions relating to carrying a concealed weapon; to define a term; to harmonize provisions; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 1CA. Introduced by Murante, 49.

THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, FIRST 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 amend Article 1, section 22:

I-22 (1) All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise.

(2) In order to combat voter fraud, preserve the relative power of each eligible citizen's right to vote, modernize the election infrastructure of the state, and ensure the integrity of the elections of the state so as to preserve the public confidence in the legitimacy of the elected government, each voter shall present identification that contains a photograph or digital image of the voter prior to being able to vote as provided by the Legislature. The Legislature shall provide specifications for the identification and the manner of presentation and for exemptions for specific situations in which requiring such identification would violate an individual's rights under the Constitution of the United States.

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 require presentation of identification prior to voting as provided by the Legislature.

For

Against.

LEGISLATIVE RESOLUTION 3. Introduced by Harr, 8.

WHEREAS, the Legislature finds and declares that the 43rd Legislature of Nebraska designated a banner for the State of Nebraska that "consist[ed] of a reproduction of the great seal of the State, charged on the center in gold and silver on a field of national blue" with the passage of House Roll 62, which was signed by the President of the House on March 28, 1925; and

WHEREAS, the 73rd Legislature of Nebraska adopted the 1925 banner as the official state flag of the State of Nebraska, hereby known as the Nebraska flag, with the passage of Legislative Bill 556 on April 10, 1963, and subsequent signature by the Governor on April 23, 1963; and

WHEREAS, national surveys, including those conducted by the North American Vexillological Association, frequently rank the Nebraska flag within the five worst flags of the fifty states; and

WHEREAS, the North American Vexillological Association gives the design of the Nebraska flag a poor grade based on the following reasons:

(a) The application of the Great Seal of the State of Nebraska is an overly complex device, especially when viewed from a distance;

(b) The Nebraska flag is nearly indistinguishable from the designs of nineteen other official state flags that also apply state seals, or portions thereof, on a field of blue;

(c) The 19th century-specific references of the Nebraska flag's symbolism are too narrowly dated to provide a solid sense of timelessness; and

(d) The use of writing on the Nebraska flag diminishes its symbolism; and

WHEREAS, the present Nebraska flag as defined by section 90-102 has proudly served the State of Nebraska for ninety-two years; and

WHEREAS, the Legislature further finds and declares that the possibility of a better-designed, more iconic Nebraska flag exists.

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

1. The Task Force on the Nebraska State Flag is created. The task force shall consist of ten members, including one member of the Legislature from each congressional district appointed by the Executive Board of the Legislative Council, two at-large members of the Legislature appointed by the Executive Board, one person who is not a member of the Legislature from each congressional district appointed by the Executive Board, and two persons who are not members of the Legislature appointed at large by the Executive Board. The task force shall elect a chairperson from among the legislative members who shall call the meetings of the task force.

2. The task force shall develop a recommendation for the design of a new flag for the State of Nebraska which conforms to the flag design principles of established vexillologic organizations.

3. The Task Force on the Nebraska State Flag shall submit electronically a report to the Clerk of the Legislature with the task force findings on or before December 1, 2017.

LEGISLATIVE RESOLUTION 6. Introduced by Ebke, 32; Bostelman, 23; Brewer, 43; Erdman, 47; Friesen, 34; Halloran, 33; Kolterman, 24; Larson, 40; Lindstrom, 18; Watermeier, 1; Williams, 36; Clements, 2.

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

1. The Legislature of the State of Nebraska hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

2. The Clerk of the Legislature shall transmit copies of this application to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the members of the Senate and House of Representatives from this state, and to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

3. This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject.

LEGISLATIVE RESOLUTION 15CA. Introduced by Morfeld, 46.

THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, FIRST 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 amend Article I, section 22:

I-22 (1) All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise.

(2) In order to protect the fundamental constitutional right of each eligible citizen to vote, requiring a voter to present identification prior to being able to vote shall be prohibited.

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 prohibit requiring presentation of identification prior to voting.

For

Against.

LEGISLATIVE RESOLUTION 16CA. Introduced by Wayne, 13.

THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, FIRST 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 amend Article VIII, section 12:

VIII-12 For the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Notwithstanding any other provision in the Constitution or a local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies ~~, which taxes shall be at such rate for a period not to exceed fifteen years,~~ on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment. Cities and villages may pledge such taxes for a period not to exceed fifteen years, except that the Legislature may allow cities and villages to pledge such taxes for a period not to exceed twenty years if more than one-half of the property in the project area is designated as extremely blighted.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

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 authorize the Legislature to allow cities and villages to pledge property taxes as part of a redevelopment project for a period not to exceed twenty years if more than one-half of the property in the project area is extremely blighted.

For

Against.

LEGISLATIVE RESOLUTION 17CA. Introduced by Wayne, 13.

THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, FIRST 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 amend Article VIII, section 1:

VIII-1 The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation ~~uniformly and proportionately~~ upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation ~~uniformly and proportionately~~; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles. The tax proceeds from motor vehicles taxed in each county shall be allocated to the county and the cities, villages, and school districts of such county; (4) ~~the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land;~~ (5) the Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; (5) ~~(6)~~ the Legislature may prescribe standards and methods for the determination of the value of real property ~~at uniform and proportionate values;~~ (6) ~~(7)~~ in furtherance of the purposes for

which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall constitute a separate class of property or franchise under the laws of the State of Nebraska, ~~and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise,~~ and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; and ~~(7)~~ ~~(8)~~ the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature.

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 eliminate requirements that property taxes be levied by valuation uniformly and proportionately.

For

Against.

LEGISLATIVE RESOLUTION 18CA. Introduced by Larson, 40; Hansen, 26.

THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, FIRST 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 amend Article III, section 8, Article IV, section 2, and Article V, section 7:

III-8 ~~A~~ ~~No~~ ~~person~~ ~~is~~ ~~shall~~ ~~be~~ ~~eligible~~ ~~for~~ ~~to~~ the office of member of the Legislature if, unless on the date of the general election at which such person ~~he~~ is elected, or on the date of his or her appointment, such person ~~he~~ is a registered voter, has attained the federal voting age, of twenty-one years and has resided within the district from which he or she is elected or appointed for the term of one year next before his or her election or appointment unless such person has, unless he shall have been absent on the public business of the United States or of this State. ~~A~~ ~~And~~ ~~no~~ ~~person~~ ~~elected~~ ~~or~~ ~~appointed~~ ~~to~~ ~~the~~ ~~office~~ ~~of~~ ~~member~~ ~~of~~ ~~the~~ ~~Legislature~~ ~~as~~ ~~aforesaid~~ shall not hold such ~~his~~ office after he or she has been ~~shall have~~ removed from such

district.

IV-2 A person shall be eligible to any public office, whether elected or appointed, if such person has attained the federal voting age, subject to qualifications, other than age, established by law. ~~Any person shall be eligible to the office of Governor, or Lieutenant Governor if he or she has, who shall not have attained the age of thirty years, and who shall not have~~ been for five years next preceding his or her election a resident and citizen of this state and a citizen of the United States. ~~Any~~ None of the appointive officers mentioned in this article shall not be eligible to any other state office during the period for which they have been appointed.

V-7 A person shall be eligible to any public office, whether elected or appointed, if such person has attained the federal voting age, subject to qualifications, other than age, established by law. ~~Any person shall be eligible to the office of Chief Justice or Judge of the Supreme Court if such person is unless he shall be at least thirty years of age, and~~ a citizen of the United States, and ~~has~~ shall have resided in this state at least three years next preceding his or her selection; ~~and~~ nor, in the case of a Judge of the Supreme Court selected from a Supreme Court judicial district, ~~if~~ unless he or she ~~is~~ shall be a resident and elector of the district from which selected.

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 provide and change eligibility requirements for state office.

For

Against.

LEGISLATIVE RESOLUTION 46. Introduced by Larson, 40; Kuehn, 38; Stinner, 48.

WHEREAS, the One Hundred Fourth Legislature established the LR 455 special committee to examine issues related to the impacts of climate change on the state and its residents; and

WHEREAS, the LR 455 special committee created a framework for a climate action plan for the state; and

WHEREAS, the LR 455 special committee recommended further review of study topics; and

WHEREAS, the LR 455 special committee found universal support for the need for an evidence-based, data-driven state climate action plan.

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

1. The Executive Board of the Legislative Council shall appoint a special committee to develop a climate action plan. The committee shall consist of the following members who shall serve for the duration of the One Hundred Fifth Legislature:

(a) The chairperson of the Appropriations Committee of the Legislature or his or her designee;

(b) The chairperson of the Natural Resources Committee of the Legislature or his or her designee; and

(c) Five at-large members of the Legislature appointed by the Executive Board of the Legislative Council.

2. The members of the special committee shall select a chairperson and vice-chairperson from the membership of the committee.

3. The special committee shall examine issues related to carbon emissions reduction, energy, and future technologies and the potential for funding from the Nebraska Environmental Trust.

4. The special committee shall develop a climate action plan based upon its examination of such issues and the framework developed by the LR 455 special committee.

5. The special committee shall electronically submit an update of the findings and recommendations of the LR 455 special committee to the Legislature on or before December 31, 2017, and a proposed climate action plan on or before December 31, 2018.

LEGISLATIVE RESOLUTION 71. Introduced by Murante, 49.

WHEREAS, Nebraska is a state of the United States, enjoying joint sovereignty with the federal government; and

WHEREAS, the Constitution of the United States recognizes the authority of the legislatures of each state to regulate the times, places, and manner of holding federal elections; and

WHEREAS, the election infrastructure of the United States is utilized to conduct federal, state, and local elections alike; and

WHEREAS, on January 6, 2017, United States Secretary of Homeland Security Jeh Johnson announced that he had designated election infrastructure as a subsector of the existing government facilities critical infrastructure sector; and

WHEREAS, Secretary Johnson's scope of the designation of elections as critical infrastructure includes physical elements, such as "storage facilities, polling places, and centralized vote tabulations locations," to which cybersecurity issues do not apply, "voter registration databases," of which redundant copies are separately stored, and "other systems to manage the election process and report and display results," which are not critical to the determination of official certified election results; and

WHEREAS, section 1016(e) of the USA Patriot Act of 2001, 42 U.S.C. 5195c(e), named the Critical Infrastructure Protection Act, defines critical infrastructure as, "systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters"; and

WHEREAS, the election infrastructure in the United States is highly decentralized and constitutionally under the purview and control of the states; and

WHEREAS, the opposition to designating elections as critical infrastructure is bipartisan, as evidenced by a September 28, 2016, letter signed by Paul Ryan, Speaker of the United States House of Representatives, Nancy Pelosi, Democratic Leader of the United States House of Representatives, Mitch McConnell, Majority Leader of the United States Senate, and Harry Reid,

Democratic Leader of the United States Senate, stating, "we would oppose any effort by the federal government to exercise any degree of control over the states' administration of elections by designating these systems as critical infrastructure"; and

WHEREAS, several states have discovered attempted intrusions by the United States Department of Homeland Security under former Secretary Johnson, which need to be thoroughly investigated by the Department of Homeland Security's Office of Inspector General, including such attempted intrusions to the designation process; and

WHEREAS, on February 7, 2017, current United States Homeland Security Secretary John Kelly indicated during testimony before the United States House of Representatives' Homeland Security Committee that he intends to uphold the former secretary's designation of elections as critical infrastructure; and

WHEREAS, on March 6, 2017, at the direction of Secretary John Kelly, Mr. David Hess, Senior Official Performing the Duties of the Under Secretary, reiterated this position in a letter to the Honorable Denise Merrill, Secretary of State of Connecticut; and

WHEREAS, the designation of this state's election systems as critical infrastructure is a violation of Nebraska's sovereignty and limits its options for performing its duties under the Constitution of the United States; and

WHEREAS, by allowing federal involvement in elections, this designation could have a negative effect on the public's confidence in election systems.

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

1. That the Legislature of the State of Nebraska urges United States Secretary of Homeland Security John Kelly to remove the designation of state election systems as critical infrastructure.

2. That the Legislature of the State of Nebraska urges the Honorable Donald Trump, President of the United States, the Honorable Mike Pence, Vice President of the United States, the United States Congress, the Honorable Deb Fischer, United States Senator for Nebraska, the Honorable Ben Sasse, United States Senator for Nebraska, the Honorable Jeff Fortenberry, Congressman for Nebraska, the Honorable Don Bacon, Congressman for Nebraska, and the Honorable Adrian Smith, Congressman for Nebraska, to call upon Secretary Kelly to remove the designation of state election systems as critical infrastructure.

LEGISLATIVE RESOLUTION 257. Introduced by Chambers, 11.

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

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

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

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

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

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

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

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

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

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

FIRST DAY - JANUARY 3, 2018
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
 Wednesday, January 3, 2018

PRAYER

The prayer was offered by Senator Williams.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska State Patrol - Headquarters Troop Honor Guard.

ROLL CALL

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred Fifth Legislature, Second Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 3, 2018, and was called to order by President Foley.

The roll was called and the following members were present:

Albrecht, Joni	Hansen, Matt	Murante, John
Baker, Roy	Harr, Burke J.	Pansing Brooks, Patty
Blood, Carol	Hilgers, Mike	Quick, Dan
Bolz, Kate	Hilkemann, Robert	Riepe, Merv
Bostelman, Bruce	Howard, Sara	Scheer, Jim
Brasch, Lydia	Hughes, Dan	Schumacher, Paul
Brewer, Tom	Kolowski, Rick	Smith, Jim
Briese, Tom	Kolterman, Mark	Stinner, John P.
Chambers, Ernie	Krist, Bob	Thibodeau, Theresa
Clements, Robert	Kuehn, John L.	Vargas, Tony
Crawford, Sue	Larson, Tyson	Walz, Lynne
Ebke, Laura	Lindstrom, Brett	Watermeier, Dan
Erdman, Steve	Linehan, Lou Ann	Wayne, Justin T.
Friesen, Curt	Lowe, John S., Sr.	Williams, Matt
Geist, Suzanne	McCollister, John S.	Wishart, Anna
Groene, Mike	McDonnell, Mike	
Halloran, Steve	Morfeld, Adam	

RESIGNATION

September 1, 2017

Dear Governor Ricketts and Speaker Scheer:

I am writing to inform each of you that I am resigning from the Nebraska Legislature effective 5:00 p.m. on Friday, September 8, 2017.

Serving as a state senator has always been a difficult balance of family, business, and legislative responsibilities and recent additions to my family and work commitments have made me realize that I cannot dedicate the time needed to my legislative responsibilities. This has not been an easy decision, but at this time it is the right decision. I am confident that Governor Ricketts will appoint someone well qualified to fill my seat. I look forward to being active in the community and seeing what the future has in store.

Respectfully,
(Signed) Senator Joni Craighead
District 6

MESSAGE(S) FROM THE GOVERNOR

September 5, 2017

Senator Joni Craighead
District 6
State Capitol
Lincoln, NE 68509

Dear Senator Craighead,

Pursuant to Nebraska Revised Statutes §32-562, I hereby acknowledge receipt of your August 31, 2017, letter resigning your seat as a member of the Nebraska Unicameral Legislature representing Legislative District 6 effective September 8, 2017, at 5:00 p.m.

Sincerely,
(Signed) Pete Ricketts
Governor

cc: Patrick J. O'Donnell, Clerk of the Nebraska Legislature
Speaker Jim Scheer, Speaker of the Nebraska Legislature

October 19, 2017

Theresa Thibodeau
12811 IZARD STREET
OMAHA, NE 68154

Dear Ms. Thibodeau:

It is my pleasure to appoint you as a member of the Nebraska Legislature representing District 6 effective October 19, 2017. Your term will continue until January 8, 2019. Your knowledge and input are valuable and your willingness to serve in this important position is appreciated.

Congratulations and best wishes.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I, Pete Ricketts, on behalf of the State of Nebraska and as Governor, do hereby appoint Theresa Thibodeau as a member of the Nebraska Legislature - District 6.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on October 19, 2017, and continue until January 8, 2019, provided you shall satisfactorily perform all the duties imposed by law.

(Signed) Pete Ricketts
Governor

(Signed) John A. Gale
Secretary of State

OFFICIAL OATH

STATE OF NEBRASKA)
) ss.
County of Lancaster)

"I, Theresa Thibodeau, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature, District 6 according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote may give or withhold on any

bill, resolution, or appropriation)."*

(Signed) Theresa Thibodeau

Subscribed in my presence and sworn to before me this 19th day of October, 2017.

(SEAL) (Signed) Michael G. Heavican
Chief Justice, Nebraska Supreme Court

*Constitution of the State of Nebraska, Article XV, Section One.
For Executive, Judicial Officers and Members of the Legislature.

CERTIFICATE

State of Nebraska

United States of America,)
) ss. Secretary of State
State of Nebraska)

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the One Hundred Fifth Legislature, Second Session, 2018.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the One Hundred Fifth Legislature, Second Session, 2018.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska on this date of January 3, 2018.

(SEAL) (Signed) John A. Gale
Secretary of State

DISTRICT/NAME	ELECTED
1 Dan Watermeier	November 8, 2016
2 Robert Clements	Appointed February 6, 2017
3 Carol Blood	November 8, 2016
4 Robert Hilkemann	November 4, 2014
5 Mike McDonnell	November 8, 2016
6 Theresa Thibodeau	Appointed October 19, 2017
7 Tony Vargas	November 8, 2016

8	Burke J. Harr	November 4, 2014
9	Sara Howard	November 8, 2016
10	Bob Krist	November 4, 2014
11	Ernie Chambers	November 8, 2016
12	Merv Riepe	November 4, 2014
13	Justin Wayne	November 8, 2016
14	Jim Smith	November 4, 2014
15	Lynne M. Walz	November 8, 2016
16	Lydia Brasch	November 4, 2014
17	Joni Albrecht	November 8, 2016
18	Brett Lindstrom	November 4, 2014
19	Jim Scheer	November 8, 2016
20	John S. McCollister	November 4, 2014
21	Mike Hilgers	November 8, 2016
22	Paul Schumacher	November 4, 2014
23	Bruce Bostelman	November 8, 2016
24	Mark A. Kolterman	November 4, 2014
25	Suzanne Geist	November 8, 2016
26	Matt Hansen	November 4, 2014
27	Anna Wishart	November 8, 2016
28	Patty Pansing Brooks	November 4, 2014
29	Kate Bolz	November 8, 2016
30	Roy Baker	November 4, 2014
31	Rick Kolowski	November 8, 2016
32	Laura Ebke	November 4, 2014
33	Steve Halloran	November 8, 2016
34	Curt Friesen	November 4, 2014
35	Dan Quick	November 8, 2016
36	Matt Williams	November 4, 2014
37	John S. Lowe Sr.	November 8, 2016
38	John L. Kuehn	November 4, 2014
39	Lou Ann Linehan	November 8, 2016
40	Tyson Larson	November 4, 2014
41	Tom Briese	November 8, 2016
42	Michael Groene	November 4, 2014
43	Tom Brewer	November 8, 2016
44	Dan Hughes	November 4, 2014
45	Sue Crawford	November 8, 2016
46	Adam Morfeld	November 4, 2014
47	Steve Erdman	November 8, 2016
48	John P. Stinner Sr.	November 4, 2014
49	John Murante	November 8, 2016

MESSAGE(S) FROM THE GOVERNOR

May 30, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Environmental Quality Council:

Mohamed Dahab, 3211 Weaver Lane, Lincoln, NE 68506
Michelle Bucklin, 506 S. 126 Street, Omaha, NE 68154
Joseph Citta, 1518 Kozy Drive, Columbus, NE 68601
Mark Czaplewski, 2747 Lakewood Drive, Grand Island, NE 68801
John Dilsaver, 5331 S. 118 Ct., #101, Omaha, NE 68137
Rodney K. Gangwish, 52685 70 Road, Shelton, NE 68876
Robert Hall, 957 N. Beech Street, Wahoo, NE 68066
Lance Hedquist, 905 E. 29 Street, South Sioux City, NE 68776
Alden Zuhlke, 810 N. 3rd Street, Plainview, NE 68769

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

June 30, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Motor Vehicle Industry Licensing Board:

Eric Bigler, 4021 Thorn Court, Lincoln, NE 68520

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

June 30, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Board of Educational Lands and Funds:

Robert Kobza, 4170 M Road, Bellwood, NE 68624

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

June 30, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Beginning Farmer Board:

Tyler Weborg, 1887 Sandy Point Drive, West Point, NE 68788

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

June 30, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Child Abuse Prevention Fund Board:

Paul J. Nelson, 2321 N. 55th Street, Omaha, NE 68104

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

June 30, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Foster Care Advisory Committee:

Michele R. Marsh, M.D., 414 N. 61 Street, Omaha, NE 68132

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

July 6, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Crime Victim's Reparations Committee:

G. Randall Hansen, 2303 S. 154 Circle, Omaha, NE 68144

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

August 16, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Tax Equalization and Review Commission:

James Kuhn, 4511 Bismark, Grand Island, NE 68801

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

August 31, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as Director of the Nebraska Public Employees Retirement Systems:

Randy D. Gerke, 1625 Burr Street, Lincoln, NE 68502

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

September 6, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Tourism Commission:

Roger A. Dixon, 16641 Howard Circle, Omaha, NE 68118
John Chapo, 2340 Stockwell Street, Lincoln, NE 68502
Jeanna Stavas, 2018 6th Avenue, Nebraska City, NE 68410
Roger Kuhn, 28512 W. Park Highway, Ashland, NE 68003
Darrin Barner, 203 Wakefield Street, Laurel, NE 68745
Debra Nelson-Loseke, 604 Apache Street, Columbus, NE 68601
Ashley Olson, 845 N. Elm Street, Red Cloud, NE 68970
Roger L. Jasnoch, 8 Crestview Drive, Kearney, NE 68845
Sarah Sortum, 83518 Gracie Creek Avenue, Burwell, NE 68823
Barry McFarland, 2700 N. Adams Street, Lexington, NE 68850
Starr Lehl, 330757 County Road K, Minatare, NE 69356

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are

included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

September 7, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Crime Victim's Reparation Committee:

Thomas Parker, 2695 Ponder Place, Gering, NE 69341

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

September 7, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Commission for the Deaf and Hard of Hearing:

Diane Schutt, 700 11th Street, Fairbury, NE 68352

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

September 7, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Environmental Trust Board:

Ryan McIntosh, 1068 12th Street, Syracuse, NE 68446

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

(Signed) Sincerely,
Pete Ricketts
Governor

Enclosures

September 8, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Ethanol Board:

Taylor Nelson, 831 137 Street, South Sioux City, NE 68776

Also, contingent upon your approval, the following individual is being reappointed to the Nebraska Ethanol Board:

Scott McPheeters, 26118 S. McNickle Road, Gothenburg, NE 69138

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

(Signed) Sincerely,
Pete Ricketts
Governor

Enclosures

September 8, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Board of Parole:

Layne Gissler, 10655 W. Mill Road, Malcolm, NE 68402

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

September 8, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Superintendent of the Nebraska State Patrol:

John Andrew Bolduc, 8058 Mission Vista Drive, San Diego, CA 92120

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

September 18, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Foster Care Advisory Committee:

Peggy Snurr, 113 Regency Drive, Beatrice, NE 68310

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

September 27, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Environmental Trust Board:

John W. Orr, 5139 County Road P37, Blair, NE 68008

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

October 4, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Coordinating Commission for Postsecondary Education:

Dr. Paul Von Behren, 1180 Timberwood Drive, Ames, NE 68621

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

October 4, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the State Personnel Board:

Patrick Guinan, 525 South 58th Street, Omaha, NE 68106

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

October 5, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Arts Council:

Heather Schneider, 12011 Douglas Circle, Omaha, NE 68154
Ellen Hornady, 2517 Apache Road, Grand Island, NE 68801

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Arts Council:

Darrel J. Huenergardt, 3001 Ridgeway Drive, Lincoln, NE 68516
Sue Roush, 525 N. Ohio Avenue, York, NE 68467

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

October 10, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Board of Educational Lands and Funds:

Robert Kobza, 4170 M Road, Bellwood, NE 68624

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

October 18, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the State Electrical Board:

John Hiller, 15573 Walnut Circle, Omaha, NE 68144

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 20, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Department of Economic Development:

David J. Rippe, 1540 Highland Drive, Hastings, NE 68901

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 28, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Highway Commission:

James W. Hawks, 3121 West Philp Avenue, North Platte, NE 69101

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Highway Commission:

David Cople, 3405 Rolling Hills Drive, Norfolk, NE 68701
Mary K. Gerdes, 511 First Street, Johnson, NE 68378
James Kindig, 201 E. Pine Street, Box 336, Kenesaw, NE 68956
Greg Wolford, 702 Airport Road, McCook, NE 69001

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 28, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Accountability and Disclosure Commission:

Kate Sullivan, 816 West Cedar, Cedar Rapids, NE 68627

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 28, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Arts Council:

Alec Gorynski, 2603 N. 160 Street, Omaha, NE 68116
Steven F. Anderson, 1523 Stagecoach, Grand Island, NE 68801

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 28, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Game and Parks Commission:

Douglas Zingula, 2791 Fort Sidney Road, Sidney, NE 69162
Scott L. Cassels, 1317 N. 141 Avenue, Omaha, NE 68154

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 28, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Child Abuse Prevention Fund Board:

Roderick Todd Bartee, 5715 Avenue Q, Kearney, NE 68847

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

November 28, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Ethanol Board:

Bradley Bird, 12018 County Road P30, Blair, NE 68008

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 4, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Nebraska Department of Agriculture:

Steve Wellman, 584 S. 28th Road, Syracuse, NE 68446

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 12, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Oil and Gas Conservation Commission:

Thomas D. Oliver, 618 O Street, Bridgeport, NE 69336
Robert P. Goodwin, 2115 15th Avenue, Sidney, NE 69162

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 18, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Board of Public Roads Classifications and Standards:

James Litchfield, 201 Highland Road, Wakefield, NE 68784
Barbara J. Keegan, P. O. Box 224, Hemingford, NE 69348
Edward R. Wootton, Sr., 804 W. Mission Avenue, Bellevue, NE 68005
Mick Syslo, 6721 La Salle Street, Lincoln, NE 68516

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 18, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Emergency Response Commission:

Joseph Oswalt, 1910 R Road, Burr, NE 68324

Contingent upon your approval, the following individuals are being reappointed to the State Emergency Response Commission:

Sherry Blaha, 2015 Country Club Road, Gering, NE 69341
John Grimes, 1216 W. Nebraska Avenue, Norfolk, NE 68701

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 19, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being
reappointed to the Nebraska Investment Council:

John Conley, 1718 N. 138th Street, Omaha, NE 68154

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 19, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being
reappointed to the Nebraska State Fair Board:

Harry Hoch, 2417 Cottonwood Road, Grand Island, NE 68801

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 19, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Commission for the Blind and Visually Impaired:

Robert L. Newman, 504 S. 57 Street, Omaha, NE 68106
Becky D. Rieken, 757 Dakota Flats, Dakota City, NE 68731

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 22, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Tax Equalization and Review Commission:

Steven Keetle, 14812 Berry Circle, Omaha, NE 68137

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 22, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being
reappointed to the Nebraska Power Review Board:

Dennis Grennan, 1877 W. Calle Colombo, Columbus, NE 68601

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the certificate and background information are
included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 22, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being
reappointed to the State Racing Commission:

Jeffrey Galyen, 3205 Golf View Drive, Norfolk, NE 68701
Dennis Patrick Lee, 608 S. 123 Street, Omaha, NE 68154

The aforementioned appointees are respectfully submitted for your
consideration. Copies of the certificates and background information are
included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

COMMUNICATION(S)

Received communications from Thomas L. Williams, MD, Chief Medical Officer, Director, Division of Public Health, Department of Health and Human Services, regarding the appointment and reappointments of the following three scientists to the Stem Cell Research Advisory Committee:

Dr. Dennis Roop
Dr. Rebecca Jane Morris
Dr. Rui Yi

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>

COMMUNICATION(S)

Received a copy of House Concurrent Resolution 2010 from the state of Arizona relating to applying to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States.

Received a copy of House Concurrent Resolution 2013 from the state of Arizona relating to applying to the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States to require that the Congress adopt a balanced federal budget.

Received a copy of House Concurrent Resolution 2022 from the state of Arizona relating to providing for the selection and instruction of commissioners and for a planning convention regarding an Article V convention for proposing an amendment to the Constitution of the United States.

Received a copy of Senate Concurrent Resolution No. 4 from the state of Missouri relating to an application to Congress for the calling of an Article V convention of states to propose certain amendments to the United States Constitution which place limits on the federal government.

EXECUTIVE BOARD REPORT

The Executive Board reported the following committee assignments made over the interim:

Senator Harr was appointed to fill the vacancy on the Banking, Commerce and Insurance Committee and no longer serves on the Agriculture Committee and the General Affairs Committee.

Senator Thibodeau was appointed to fill the vacancy on the Agriculture Committee, the General Affairs Committee, and the Government, Military and Veterans Affairs Committee.

Senator Linehan was appointed to fill the vacancy on the Legislature's Planning Committee.

ANNOUNCEMENT

The Revenue Committee designated Senator Friesen and Senator Lindstrom as non-voting members of the Legislative Performance Audit Committee.

MOTION - Adopt Temporary Rules

Senator Hilgers moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the tenth legislative day.

The motion prevailed.

MOTION - Election of Officer

Senator Watermeier moved that the following officer be elected to serve for the One Hundred Fifth Legislature, Second Session:

Sergeant at Arms Jim Doggett

The motion prevailed.

MOTION - Escort Chief Justice

Senator Brasch moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the officer of the Legislature.

The motion prevailed.

The Chair appointed Senators Ebke, Pansing Brooks, Schumacher, Baker, and Thibodeau to serve on said committee.

OFFICER'S OATH OF OFFICE

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

I do solemnly swear (or affirm) that I will support the constitution of the

United States, the constitution of the State of Nebraska, and will faithfully discharge the duties of our respective offices to the best of our ability.

Sergeant at Arms

Jim Doggett

The committee escorted the Chief Justice from the Chamber.

MOTION - Chairperson of Committee on Committees

Senator Williams moved to proceed to the election of the Chairperson of the Committee on Committees, by secret ballot, in accordance with Rule 1, Sec. 1.

The motion prevailed.

Senator Halloran placed his name in nomination.

Senator Hilkemann placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Hilgers, Blood, and Clements as tellers.

Senator Halloran	24
Senator Hilkemann	<u>25</u>
	49

Senator Hilkemann was duly elected Chairperson of the Committee on Committees.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 668. Introduced by Executive Board: Watermeier, 1, Chairperson.

A BILL FOR AN ACT relating to schools; to eliminate inconsistent language; to amend section 79-237, Revised Statutes Supplement, 2017; and to repeal the original section.

LEGISLATIVE BILL 669. Introduced by Executive Board: Watermeier, 1, Chairperson.

A BILL FOR AN ACT relating to educational bridge programs; to repeal provisions that terminated June 30, 2015; and to outright repeal sections 79-1189, 79-1190, 79-1191, 79-1192, 79-1193, 79-1194, 79-1195, and 79-1196, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 670. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Juvenile Services Act; to amend sections 43-2401, 43-2404.01, 43-2411, and 43-2412, Reissue Revised Statutes of Nebraska; to change provisions relating to the membership, powers, and duties of the Nebraska Coalition for Juvenile Justice; to eliminate the position of coordinator for the Nebraska Coalition for Juvenile Justice; to harmonize provisions; to repeal the original sections; to outright repeal section 43-2413, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 671. Introduced by Krist, 10.

A BILL FOR AN ACT relating to motor vehicles; to amend section 79-609, Reissue Revised Statutes of Nebraska, sections 60-4,120.01, 60-4,123, 60-4,124, 60-6,179.01, 60-6,265, 60-6,268, and 60-6,270, Revised Statutes Cumulative Supplement, 2016, and section 60-6,267, Revised Statutes Supplement, 2017; to change provisional operator's permit restrictions from secondary offenses to primary offenses; to change certain uses of interactive and handheld wireless communication devices from secondary offenses to primary offenses as prescribed; to update references to certain federal provisions; to change violations of certain occupant protection system enforcement requirements from secondary offenses to primary offenses; to change a requirement relating to the wearing of occupant protection systems; to prohibit school bus operators from using interactive wireless communication devices as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal section 60-6,271, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 672. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-1,135, Revised Statutes Cumulative Supplement, 2016; to provide for medical release for committed offenders as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 673. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-286, Revised Statutes Supplement, 2017; to change provisions relating to procedures for alleged violations of probation, supervision, or court orders by juveniles; and to repeal the original section.

LEGISLATIVE BILL 674. Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to state intent to appropriate funds to the Division of Aeronautics of the Department of Transportation as prescribed.

LEGISLATIVE BILL 675. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Correctional System Overcrowding Emergency Act; to amend section 83-962, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to declaration of a correctional emergency as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 676. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-184, Revised Statutes Cumulative Supplement, 2016; to provide additional options for committed persons to work or participate in rehabilitative activities outside department facilities; and to repeal the original section.

LEGISLATIVE BILL 677. Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2017, LB327, sections 97, 104, 106, and 110; to change appropriations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 678. Introduced by Krist, 10.

A BILL FOR AN ACT relating to criminal justice; to amend section 29-3523, Reissue Revised Statutes of Nebraska, and section 83-962, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to criminal history record information and correctional emergencies as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 679. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Charitable Gaming Operations Fund; to amend section 9-1,101, Revised Statutes Cumulative Supplement, 2016; to change the distribution of taxes remitted to the fund; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 680. Introduced by Krist, 10.

A BILL FOR AN ACT relating to behavioral health services; to adopt the Interstate Placement for Involuntarily Admitted Patients Agreement Act.

LEGISLATIVE BILL 681. Introduced by Blood, 3; Brewer, 43.

A BILL FOR AN ACT relating to physical therapy; to amend sections 38-131 and 38-3208, Reissue Revised Statutes of Nebraska; to adopt the Physical Therapy Licensure Compact; to require criminal background checks; to authorize practice for purposes of the Respiratory Care Practice Act; and to repeal the original sections.

LEGISLATIVE BILL 682. Introduced by Blood, 3; Brewer, 43.

A BILL FOR AN ACT relating to servicemembers; to define terms; to provide consumer protection and civil relief as prescribed; and to provide a duty for the National Guard.

LEGISLATIVE BILL 683. Introduced by Blood, 3; Brewer, 43.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.14, Reissue Revised Statutes of Nebraska, and section 81-885.17, Revised Statutes Supplement, 2017; to provide a license fee exemption for servicemembers and their spouses as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 684. Introduced by Blood, 3; Brewer, 43.

A BILL FOR AN ACT relating to the Beginning Farmer Tax Credit Act; to amend sections 77-5203, 77-5213, and 77-5215, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to tax credit amounts; to provide for applicability; and to repeal the original sections.

LEGISLATIVE BILL 685. Introduced by Blood, 3; Brewer, 43.

A BILL FOR AN ACT relating to the Developmental Disabilities Services Act; to amend section 83-1216, Revised Statutes Supplement, 2017; to state findings; to provide an additional funding priority relating to military dependents with special needs; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 686. Introduced by Blood, 3; Brewer, 43.

A BILL FOR AN ACT relating to psychologists; to amend sections 38-131, 38-2025, 38-2112, 38-2115, 38-3101, 38-3111, 44-792, and 71-906, Reissue Revised Statutes of Nebraska, and section 29-2261, Revised Statutes Supplement, 2017; to adopt the Psychology Interjurisdictional Compact; to require criminal background checks; to provide for a compact administrator; to authorize practice in certain circumstances; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 687. Introduced by Blood, 3; Brewer, 43.

A BILL FOR AN ACT relating to advanced practice registered nurses; to amend sections 38-131, 38-201, 38-206, 38-2025, 38-3208, and 71-906, Reissue Revised Statutes of Nebraska; to adopt the Advanced Practice Registered Nurse Compact; to require criminal background checks as prescribed; to provide for a compact administrator; to place restrictions on the Board of Advanced Practice Registered Nurses; to authorize practice for purposes of the Medicine and Surgery Practice Act, the Respiratory Care

Practice Act, and the Nebraska Mental Health Commitment Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 688. Introduced by Blood, 3.

A BILL FOR AN ACT relating to children; to amend sections 71-3101, 71-3105, 71-3107, and 71-6720, Reissue Revised Statutes of Nebraska, and section 71-1908, Revised Statutes Cumulative Supplement, 2016; to provide for the possession, use, and application of sunscreen by and for children and students as prescribed; to provide immunity from liability as prescribed; to provide an exception to the Medication Aide Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 689. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Sex Offender Registration Act; to amend section 29-4001, Reissue Revised Statutes of Nebraska; to exclude juveniles from the act as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 690. Introduced by Blood, 3.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2017; to adopt the Counterfeit Airbag Prevention Act; to provide penalties and eliminate a current penalty; to harmonize provisions; to repeal the original section; and to outright repeal section 28-635, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 691. Introduced by Blood, 3.

A BILL FOR AN ACT relating to financial crimes; to amend sections 8-2701 and 8-2715, Revised Statutes Cumulative Supplement, 2016, and section 28-101, Revised Statutes Supplement, 2017; to adopt the Nebraska Virtual Currency Money Laundering Act; to provide penalties; to define and redefine terms under the Nebraska Money Transmitters Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 692. Introduced by Blood, 3.

A BILL FOR AN ACT relating to correctional services; to provide duties for the Department of Correctional Services; and to provide for reports.

LEGISLATIVE BILL 693. Introduced by Blood, 3.

A BILL FOR AN ACT relating to unmanned aircraft; to amend sections 28-109, 28-311.08, 28-522, 28-1413, 37-201, 37-202, 37-514, 37-535, and 37-564, Reissue Revised Statutes of Nebraska, sections 54-901, 54-905, and 54-906, Revised Statutes Cumulative Supplement, 2016, and sections 28-101, 28-1201, and 37-614, Revised Statutes Supplement, 2017; to

provide immunity from civil liability for damage to unmanned aircraft by emergency responders; to define and redefine terms; to prohibit unlawful intrusion by electronic and other means, peeping by electronic device, harassment with an unmanned aircraft by a sex offender, trespass by unmanned aircraft on real property, schools, critical infrastructure facilities, and prisons, interference with a police cordon, and operation of an unmanned aircraft with a weapon; to change provisions relating to use of force to protect an aircraft, hunting with artificial light or from an aircraft, and interference with hunting, trapping, or fishing; to prohibit livestock harassment; to provide for limitations on the usage of unmanned aircraft by law enforcement; to provide penalties; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 694. Introduced by Blood, 3.

A BILL FOR AN ACT relating to political subdivisions; to prohibit cities and villages and counties from taxing or otherwise regulating the use of distributed ledger technology; to define a term; and to provide duties for the Revisor of Statutes.

LEGISLATIVE BILL 695. Introduced by Blood, 3.

A BILL FOR AN ACT relating to electronic records and transactions; to amend sections 86-611, 86-612, 86-613, 86-617, 86-620, and 86-621, Reissue Revised Statutes of Nebraska, and section 64-302, Revised Statutes Cumulative Supplement, 2016; to authorize and define smart contracts; to authorize use of distributed ledger technology in the Electronic Notary Public Act and the Uniform Electronic Transactions Act and for purposes of digital and electronic signatures; to define and redefine terms; to harmonize provisions; to provide duties for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 696. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to courts; to amend section 24-301.02, Reissue Revised Statutes of Nebraska; to increase the number of district judges in the fourth judicial district; to eliminate obsolete provisions; and to repeal the original section.

LEGISLATIVE BILL 697. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to courts; to amend section 24-301.02, Reissue Revised Statutes of Nebraska; to change the boundaries of certain district court judicial districts; to eliminate obsolete provisions; and to repeal the original section.

LEGISLATIVE BILL 698. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2305, 23-2306.02, 23-2306.03, 23-2310.05, 23-2323.02, 23-2323.03, 24-704, 24-704.01, 24-710, 24-710.05, 24-710.06, 79-904, 79-905, 79-907, 79-924,

79-933.01, 79-933.02, 79-933.03, 79-933.04, 79-933.07, 81-2019, 81-2031.03, 81-2031.04, 84-1305, 84-1310.01, 84-1311.03, 84-1312, and 84-1313, Reissue Revised Statutes of Nebraska, sections 23-2305.01, 23-2309.01, 81-2019.01, 81-2026, and 84-1305.02, Revised Statutes Cumulative Supplement, 2016, and sections 23-2323.01, 79-904.01, 79-926, 84-1325, and 84-1503, Revised Statutes Supplement, 2017; to change provisions to provide permissive authority relating to the adoption of bylaws, prescription of forms, and adoption and promulgation of rules and regulations by the Public Employees Retirement Board to carry out state-administered retirement acts as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 699. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 79-902, 81-2014, and 84-1301, Revised Statutes Supplement, 2017; to redefine actuarial equivalent in the School Employees Retirement Act, the Nebraska State Patrol Retirement Act, and the State Employees Retirement Act; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 700. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the University of Nebraska; to amend sections 85-122 and 85-123.01, Reissue Revised Statutes of Nebraska; to change provisions relating to investment and management of the University Trust Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 701. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-2001, Reissue Revised Statutes of Nebraska, and sections 38-101 and 38-105, Revised Statutes Supplement, 2017; to define terms; to provide for telehealth practice; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 702. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to children; to amend sections 42-369, 43-512.15, and 44-3,144, Reissue Revised Statutes of Nebraska; to change provisions relating to children's health care coverage; to change provisions relating to Nebraska IV-D child support program modification procedures; to redefine a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 703. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Medicine and Surgery Practice Act; to amend section 38-2025, Reissue Revised Statutes of Nebraska; to provide an exemption from licensure requirements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 704. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Medicine and Surgery Practice Act; to amend section 38-2026, Reissue Revised Statutes of Nebraska; to change provisions relating to foreign medical graduates; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 705. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to estheticians; to amend section 38-1062, Reissue Revised Statutes of Nebraska; to change licensure requirements for an esthetician and an esthetician instructor; and to repeal the original section.

LEGISLATIVE BILL 706. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to electrology; to amend section 38-1062, Reissue Revised Statutes of Nebraska, and section 38-1066, Revised Statutes Supplement, 2017; to eliminate a definition; to eliminate certain requirements for licensure; to repeal the original sections; and to outright repeal section 38-1022, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 707. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Uniform Standard Code for Manufactured Homes and Recreational Vehicles; to amend sections 14-402, 15-902, 19-902, 23-114, 71-1569, 71-4601, 71-4602, 71-4604, 71-4605, 71-4606, 71-4608, 71-4610, 71-4611, 71-4614, 71-4615, 71-4616, 71-4617, 71-4618, 71-4619, 71-4620, 71-4620.01, 71-4621, 76-1463, 81-5,138, and 81-1615, Reissue Revised Statutes of Nebraska, sections 60-1901, 71-4603, 71-4604.01, 71-4609, 75-109.01, 75-156, and 75-159, Revised Statutes Cumulative Supplement, 2016, and section 71-6405, Revised Statutes Supplement, 2017; to change provisions of the code by eliminating all applicability and references to manufactured homes under the code; to rename the code; to eliminate obsolete provisions; to redefine terms; to change provisions relating to applicability of the Building Construction Act; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-4613, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 708. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-246.02, Revised Statutes Supplement, 2017; to change provisions relating to bridge orders, including obtaining child custody determinations from foreign jurisdictions, payment of filing fees and court costs, and jurisdiction of certain courts; and to repeal the original section.

LEGISLATIVE BILL 709. Introduced by Baker, 30.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-1901, 18-1902, 18-1903, 18-1904, 18-1906, 18-1909, 18-1911, and 18-1914, Reissue Revised Statutes of Nebraska; to change provisions relating to plumbing boards and their terms of office, organization, appointment, meetings, and license fees and terms; to change penalties; and to repeal the original sections.

LEGISLATIVE BILL 710. Introduced by Baker, 30.

A BILL FOR AN ACT relating to civil lawsuits; to amend section 25-1801, Reissue Revised Statutes of Nebraska; to change provisions relating to costs, interest, and attorney fees; to define a term; and to repeal the original section.

LEGISLATIVE BILL 711. Introduced by Baker, 30.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,265 and 60-6,270, Revised Statutes Cumulative Supplement, 2016, and section 60-6,267, Revised Statutes Supplement, 2017; to change requirements relating to the use of occupant protection systems; to update references to certain federal provisions; and to repeal the original sections.

LEGISLATIVE BILL 712. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-601, 48-628, and 48-628.10, Revised Statutes Supplement, 2017; to change provisions relating to disqualification for unemployment benefits; to authorize drug testing of individuals applying for or receiving unemployment benefits as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 713. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska Oil and Gas Conservation Commission; to amend section 57-904, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation of members of the commission; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 714. Introduced by Howard, 9; Vargas, 7.

A BILL FOR AN ACT relating to minors; to provide a procedure for judicial emancipation of a minor.

LEGISLATIVE BILL 715. Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to state findings; and to

state intent relating to appropriations to local public health departments with respect to preventive health programs.

LEGISLATIVE BILL 716. Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Correctional Services.

LEGISLATIVE BILL 717. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Quality Child Care Act; to amend section 43-2606, Reissue Revised Statutes of Nebraska; to change provisions relating to training requirements; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 718. Introduced by Halloran, 33.

A BILL FOR AN ACT relating to education; to adopt the Higher Education Free Speech Accountability Act.

LEGISLATIVE BILL 719. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to cities of the second class and villages; to eliminate a grant of power to make loans to students; and to outright repeal section 17-572, Revised Statutes Supplement, 2017.

LEGISLATIVE BILL 720. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the state building code; to amend section 71-6404, Revised Statutes Cumulative Supplement, 2016, and sections 71-6405 and 71-6406, Revised Statutes Supplement, 2017; to change the applicability of provisions to public buildings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 721. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-124, Reissue Revised Statutes of Nebraska; to authorize regulation of wireless telecommunications service by the Public Service Commission; and to repeal the original section.

LEGISLATIVE BILL 722. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to power districts and corporations; to amend section 70-601.01, Reissue Revised Statutes of Nebraska; to state legislative findings; to provide a renewable energy electric power generation requirement for certain districts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 723. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to net metering; to amend sections 70-2002 and 70-2003, Reissue Revised Statutes of Nebraska; to redefine a term; to increase the rated capacity limit as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 724. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend section 9-650, Reissue Revised Statutes of Nebraska; to provide for segregation of keno funds, electronic fund transfers, and deposit of gross proceeds by a sales outlet location as prescribed; and to repeal the original section.

LEGISLATIVE BILL 725. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Prompt Payment Act; to amend sections 81-2402, 81-2403, 81-2404, and 81-2405, Reissue Revised Statutes of Nebraska; to define a term; to change requirements for bills submitted by small businesses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 726. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to insurance; to require insurance coverage for in vitro fertilization procedures as prescribed.

LEGISLATIVE BILL 727. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to state intent relating to appropriations to the Nebraska State Historical Society as prescribed; and to declare an emergency.

LEGISLATIVE BILL 728. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.03, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to individual income tax brackets and rates; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 729. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to tort claims; to amend sections 13-910 and 81-8,219, Revised Statutes Supplement, 2017; to change the Political Subdivisions Tort Claims Act and the State Tort Claims Act with respect to liability for misrepresentation or deceit; and to repeal the original sections.

LEGISLATIVE BILL 730. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Ammunition Excise Tax Act.

LEGISLATIVE BILL 731. Introduced by Williams, 36.

A BILL FOR AN ACT relating to controlled substances; to amend sections 38-2833, 38-2847, 38-2891, 38-28,106, and 71-425, Reissue Revised Statutes of Nebraska, sections 71-403, 71-2448, and 71-2483, Revised Statutes Cumulative Supplement, 2016, and sections 38-2801, 38-2802, 38-2870, 38-2892, and 71-401, Revised Statutes Supplement, 2017; to define and redefine terms; to provide for licensure of remote dispensing pharmacies; to provide for remote dispensing; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 732. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Nebraska Children's Commission; to amend section 43-4207, Reissue Revised Statutes of Nebraska; to change a reporting date; and to repeal the original section.

LEGISLATIVE BILL 733. Introduced by Thibodeau, 6; Blood, 3; Clements, 2.

A BILL FOR AN ACT relating to the County Highway and City Street Superintendents Act; to amend sections 39-2308, 39-2308.01, and 39-2308.03, Reissue Revised Statutes of Nebraska; to change provisions relating to Class A and Class B licenses for county highway superintendents and city street superintendents; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 734. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-124.11, Revised Statutes Cumulative Supplement, 2016; to prohibit certain exemptions relating to a special designated license as prescribed; and to repeal the original section.

LEGISLATIVE BILL 735. Introduced by Blood, 3.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1720, Reissue Revised Statutes of Nebraska; to provide for interlocal agreements with a county as prescribed for the abatement, removal, or prevention of nuisances; and to repeal the original section.

LEGISLATIVE BILL 736. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to real property; to amend section 76-2421,

Revised Statutes Cumulative Supplement, 2016; to change real estate agent duties with respect to certain written disclosures; and to repeal the original section.

LEGISLATIVE BILL 737. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to first responders; to adopt the First Responder Education Act.

LEGISLATIVE BILL 738. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to an adjustment to income for social security benefits; and to repeal the original section.

LEGISLATIVE BILL 739. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Sports Arena Facility Financing Assistance Act; to amend section 13-3105, Reissue Revised Statutes of Nebraska, and sections 13-3102, 13-3103, 13-3104, and 13-3106, Revised Statutes Cumulative Supplement, 2016; to define and redefine terms; to change provisions relating to limitations on state assistance, applications, notice, and considerations for application approval; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 740. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend sections 60-316, 60-3,147, 60-3,148, 60-3,221, and 60-3,228, Revised Statutes Cumulative Supplement, 2016, and sections 60-301, 60-302, 60-363, 60-3,104, and 60-3,229, Revised Statutes Supplement, 2017; to define and redefine terms; to provide for registration of metropolitan utilities district vehicles as prescribed; to change provisions relating to types and issuance of license plates, registration fees and certificates, gross vehicle weight, and towing of trailers; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 741. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Real Property Appraiser Act; to amend sections 76-2201, 76-2202, 76-2203, 76-2205.02, 76-2207.01, 76-2207.02, 76-2207.03, 76-2207.04, 76-2207.05, 76-2207.06, 76-2207.07, 76-2207.08, 76-2207.09, 76-2207.10, 76-2207.11, 76-2207.12, 76-2207.13, 76-2207.14, 76-2207.15, 76-2207.16, 76-2215, 76-2216.02, 76-2218.02, 76-2219.01, 76-2220, 76-2221, 76-2222, 76-2227, 76-2233, 76-2233.03, 76-2236, 76-2236.01, 76-2238, 76-2245, 76-2246, and 76-2247.01, Revised Statutes Cumulative Supplement, 2016; to change intent; to define and redefine terms; to eliminate provisions relating to real property associates; to

change provisions relating to the Real Property Appraiser Board, credentials, reciprocity, continuing education, and disciplinary action; to harmonize provisions; to repeal the original sections; to outright repeal sections 76-2216.01 and 76-2227.01, Revised Statutes Cumulative Supplement, 2016; and to declare an emergency.

LEGISLATIVE BILL 742. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Franchise Practices Act; to amend section 87-404, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to noncompete agreements; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 743. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to insurance; to amend sections 44-2614, 44-3905, 44-3908, 44-4053, 44-4056, and 44-4521, Reissue Revised Statutes of Nebraska, and sections 44-4068 and 44-8105, Revised Statutes Cumulative Supplement, 2016; to adopt the Public Adjusters Licensing Act; to change the certification of continuing education activities as prescribed; to remove a requirement for rules and regulations; to remove prelicensing education requirements; to harmonize provisions; to repeal the original sections; and to outright repeal sections 44-3911, 44-3912, and 44-3913, Reissue Revised Statutes of Nebraska, and sections 44-3909 and 44-3910, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 744. Introduced by Executive Board; Watermeier, 1, Chairperson; Bolz, 29; Chambers, 11; Crawford, 45; Hughes, 44; Kuehn, 38; Larson, 40; McCollister, 20; Scheer, 19; Stinner, 48.

A BILL FOR AN ACT relating to the Legislature; to amend sections 32-1101, 32-1105, 32-1111, 32-1112, 32-1114, 32-1115, and 32-1116, Reissue Revised Statutes of Nebraska; to adopt the Legislative Qualifications and Election Contests Act; to change and repeal provisions relating to election contests; to provide a duty for the Revisor of Statutes; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-1106 and 32-1107, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 745. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2708, Revised Statutes Cumulative Supplement, 2016; to require certain notice relating to refunds of local sales and use taxes; to allow such refunds to be deducted in installments as prescribed; and to repeal the original section.

LEGISLATIVE BILL 746. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to state government; to amend sections 60-1404, 72-723, 72-2210, 80-401.11, 81-1108.36, and 81-1108.38, Reissue Revised Statutes of Nebraska; to change provisions regarding office space and state property; to provide and change duties for the Nebraska Capitol Commission and the Office of the Nebraska Capitol Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 747. Introduced by Thibodeau, 6; Albrecht, 17; Blood, 3; Clements, 2; Geist, 25; Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101, 53-103, and 53-186.01, Revised Statutes Cumulative Supplement, 2016; to provide for bottle clubs; to define a term; to change a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 748. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to municipalities; to amend sections 8-205, 13-1302, 19-3052, 23-206, 23-339, and 31-505, Reissue Revised Statutes of Nebraska, and section 13-2705, Revised Statutes Supplement, 2017; to change provisions relating to how population thresholds are determined as prescribed; to redefine a term; to change references to cities, villages, and governing bodies; and to repeal the original sections.

LEGISLATIVE BILL 749. Introduced by Williams, 36.

A BILL FOR AN ACT relating to the Secretary of State; to amend section 33-101, Reissue Revised Statutes of Nebraska, and section 21-1905, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to recording and filing fees; and to repeal the original sections.

LEGISLATIVE BILL 750. Introduced by Williams, 36.

A BILL FOR AN ACT relating to real property; to amend sections 76-252, 76-1014.01, and 76-2803, Reissue Revised Statutes of Nebraska, and section 76-238, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the recording of instruments and the rights and duties of secured creditors; and to repeal the original sections.

LEGISLATIVE BILL 751. Introduced by Legislative Performance Audit Committee: Kuehn, 38, Chairperson; Briese, 41; Geist, 25; Linehan, 39; Scheer, 19; Stinner, 48; Watermeier, 1.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend sections 84-901.01 and 84-910, Reissue Revised Statutes of Nebraska; to change provisions relating to agency duties with respect to

adoption of rules and regulations; and to repeal the original sections.

LEGISLATIVE BILL 752. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to electricity; to amend section 70-301, Reissue Revised Statutes of Nebraska; to limit the authority to acquire rights-of-way; and to repeal the original section.

LEGISLATIVE BILL 753. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to postsecondary educational institutions; to amend sections 85-505, 85-505.01, 85-506, and 85-508, Reissue Revised Statutes of Nebraska; to provide for tuition waiver for National Guard members as prescribed; to eliminate provisions relating to tuition credits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 754. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to state park permits; to amend sections 37-201 and 37-438, Reissue Revised Statutes of Nebraska, and section 60-301, Revised Statutes Supplement, 2017; to authorize the purchase of certain state park permits while registering a motor vehicle online; to provide powers and duties for the Game and Parks Commission and the Department of Motor Vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 755. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,356, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the operation of all-terrain vehicles and utility-type vehicles; and to repeal the original section.

LEGISLATIVE BILL 756. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to municipalities; to define terms; to prohibit ordinances and other regulations prohibiting short-term rentals of residential property as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 757. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to consumer protection; to amend sections 87-801 and 87-806, Reissue Revised Statutes of Nebraska, and sections 8-2603.01, 8-2608.02, 8-2609, and 8-2609.01, Revised Statutes Cumulative Supplement, 2016; to prohibit certain fees under the Credit Report Protection Act; to change provisions relating to the Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006; to require additional reasonable security procedures and practices regarding

personal information; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 758. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-715, Revised Statutes Cumulative Supplement, 2016; to require certain natural resources districts to collaborate with counties as prescribed; and to repeal the original section.

LEGISLATIVE BILL 759. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to revenue and taxation; to eliminate a sales and use tax exemption relating to zoos and aquariums; to provide an operative date; and to outright repeal section 77-2704.67, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 760. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Volunteer Emergency Responders Incentive Act; to amend sections 77-3101, 77-3102, 77-3103, 77-3104, and 77-3105, Revised Statutes Cumulative Supplement, 2016; to add volunteer departments that serve counties to the act; to provide for applicability; to provide duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 761. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Nebraska Oil and Gas Conservation Commission; to amend section 57-904, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation of members of the commission; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 762. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Waste Reduction and Recycling Incentive Act; to amend section 81-15,160, Revised Statutes Cumulative Supplement, 2016; to change a date relating to grants for certain scrap tire projects as prescribed; and to repeal the original section.

LEGISLATIVE BILL 763. Introduced by Harr, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2017; to prohibit obstruction of a public power district employee and provide a penalty; to define a term; and to repeal the original section.

LEGISLATIVE BILL 764. Introduced by Crawford, 45; Blood, 3.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend section 81-2,245.01, Revised Statutes Cumulative Supplement, 2016; to exempt certain operations from the definition of a food establishment as prescribed; and to repeal the original section.

LEGISLATIVE BILL 765. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 26; Howard, 9; Larson, 40; Quick, 35; Riepe, 12.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-115, 16-118, 16-316, 16-321.01, 16-610, 16-611, 16-614, 16-629, 16-645, 16-648, 16-663, 16-671.01, 16-674, 16-675, and 16-808, Reissue Revised Statutes of Nebraska, and sections 16-119, 16-304, 16-305, 16-309, 16-312, 16-313, 16-314, 16-317, 16-318, 16-319, 16-320, 16-321, 16-322, 16-323, 16-324, 16-326, 16-327, 16-401, 16-402, 16-403, 16-404, 16-405, 16-406, 16-501, 16-502, 16-503, 16-606, 16-609, 16-615, 16-618, 16-621, 16-624, 16-626, 16-627, 16-630, 16-631, 16-632, 16-637, 16-646, 16-647, 16-649, 16-650, 16-651, 16-652, 16-653, 16-654, 16-661, 16-662, 16-664, 16-665, 16-672, 16-672.07, 16-679, 16-680, 16-691, 16-691.01, 16-692, 16-693, 16-697, 16-699, 16-6,100, 16-702, 16-706, 16-707, 16-712, 16-713, 16-714, 16-716, 16-717, 16-718, 16-719, 16-720, 16-722, 16-723, 16-727, and 16-728, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to cities of the first class; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 766. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to division fences; to amend section 34-112.02, Reissue Revised Statutes of Nebraska; to change provisions relating to construction, maintenance, repair, and notice; and to repeal the original section.

LEGISLATIVE BILL 767. Introduced by Quick, 35; Wayne, 13.

A BILL FOR AN ACT relating to the Building Construction Act; to amend sections 71-6403 and 71-6406, Revised Statutes Supplement, 2017; to adopt changes to the state building code; to harmonize provisions; and to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 768. Introduced by Quick, 35; Crawford, 45; Hansen, 26; Kolowski, 31; McCollister, 20; Stinner, 48; Wayne, 13; Williams, 36.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2705, Revised Statutes Cumulative Supplement, 2016; to redefine economic development program to include early childhood infrastructure development for cities of the first and second

class and villages; and to repeal the original section.

LEGISLATIVE BILL 769. Introduced by Quick, 35; Harr, 8; Kolowski, 31; Walz, 15.

A BILL FOR AN ACT relating to railroads; to adopt the Midwest Interstate Passenger Rail Compact; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 770. Introduced by McCollister, 20; Baker, 30; Blood, 3; Bolz, 29; Chambers, 11; Crawford, 45; Hansen, 26; Harr, 8; Hilkemann, 4; Howard, 9; Kolowski, 31; Krist, 10; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Schumacher, 22; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36; Wishart, 27.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1017.02, Revised Statutes Cumulative Supplement, 2016; to state intent and change provisions relating to Supplemental Nutrition Assistance Program benefits; and to repeal the original section.

LEGISLATIVE BILL 771. Introduced by Walz, 15; Hansen, 26.

A BILL FOR AN ACT relating to schools; to adopt the Child Hunger and Workforce Readiness Act; and to state intent relating to appropriations.

LEGISLATIVE BILL 772. Introduced by Walz, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1344, Reissue Revised Statutes of Nebraska, and section 77-1347, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to agricultural or horticultural land receiving special valuation; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 773. Introduced by Clements, 2; Bostelman, 23; Brasch, 16; Ebke, 32; Erdman, 47; Halloran, 33; Kuehn, 38; Linehan, 39; Lowe, 37; Thibodeau, 6; Watermeier, 1.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1310, Reissue Revised Statutes of Nebraska; to change provisions relating to intimidation by telephone call; to prohibit intimidation by electronic message; and to repeal the original section.

LEGISLATIVE BILL 774. Introduced by Pansing Brooks, 28; Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-248, 43-250, and 43-251.02, Reissue Revised Statutes of Nebraska; to eliminate obsolete provisions; to change provisions relating to temporary custody of a juvenile and referral of children and parents to community-based providers; and to repeal the original sections.

LEGISLATIVE BILL 775. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-201, Reissue Revised Statutes of Nebraska, and sections 73-101, 73-307, and 81-1701, Revised Statutes Cumulative Supplement, 2016; to adopt the State Park System Construction Alternatives Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 776. Introduced by McCollister, 20; Baker, 30; Hansen, 26; Howard, 9; Kolowski, 31; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to jails; to amend sections 47-101, 47-108, 47-109, 47-116, 47-201, and 47-206, Reissue Revised Statutes of Nebraska; to state findings; to change provisions relating to the powers and duties of the Jail Standards Board; to provide requirements for inmate access to telephone or videoconferencing systems in county and city jails; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 777. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Legislature; to amend section 32-566, Revised Statutes Supplement, 2017; to provide requirements for filling vacancies in the Legislature; and to repeal the original section.

LEGISLATIVE BILL 778. Introduced by Groene, 42.

A BILL FOR AN ACT relating to funding for school buildings and teacherages; to amend sections 79-1082, 79-1098, 79-10,100, and 79-10,101, Reissue Revised Statutes of Nebraska, and sections 79-10,120 and 79-10,126, Revised Statutes Cumulative Supplement, 2016; to change voting procedures and requirements to levy certain taxes related to school buildings; to limit the use of certain taxes; to allow certain tax proceeds to be combined; to eliminate the authority to levy certain taxes related to school buildings and teacherages; to provide for a transition; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 779. Introduced by Groene, 42.

A BILL FOR AN ACT relating to learning communities; to amend sections 79-1014 and 79-2118, Reissue Revised Statutes of Nebraska, sections 79-1013, 79-2104, and 79-2104.02, Revised Statutes Cumulative Supplement, 2016, and section 77-3442, Revised Statutes Supplement, 2017; to remove a limitation on the use of a levy; to change poverty and limited English proficiency plan approval requirements; to change a reporting deadline; to change provisions relating to diversity plans; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 780. Introduced by Pansing Brooks, 28; Howard, 9; McCollister, 20; Morfeld, 46; Wayne, 13.

A BILL FOR AN ACT relating to firearms; to amend sections 28-1203, 28-1351, and 28-1354, Reissue Revised Statutes of Nebraska, and section 28-1201, Revised Statutes Supplement, 2017; to define terms; to prohibit the manufacture, import, transfer, and possession of multiburst trigger activators and firearm silencers; to provide a penalty; to eliminate an obsolete provision; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 781. Introduced by Pansing Brooks, 28; Baker, 30; Ebke, 32; Howard, 9; Krist, 10; McCollister, 20; Morfeld, 46; Schumacher, 22; Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-105, Revised Statutes Supplement, 2017; to change provisions relating to certain penalties for persons under nineteen years of age; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 782. Introduced by Pansing Brooks, 28; Howard, 9; Walz, 15.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1310, Reissue Revised Statutes of Nebraska; to change provisions relating to intimidation by telephone call; to provide for intimidation by electronic communication; and to repeal the original section.

LEGISLATIVE BILL 783. Introduced by Vargas, 7; Pansing Brooks, 28; Walz, 15; Wayne, 13.

A BILL FOR AN ACT relating to civil rights; to amend section 20-150, Revised Statutes Cumulative Supplement, 2016; to define a term relating to deaf and hard of hearing students; and to repeal the original section.

LEGISLATIVE BILL 784. Introduced by Vargas, 7; McDonnell, 5; Wayne, 13.

A BILL FOR AN ACT relating to the Employee Classification Act; to amend sections 48-2907 and 48-2911, Reissue Revised Statutes of Nebraska; to prohibit contractors with unpaid fines from contracting with the state or a political subdivision; to change provisions relating to a required affidavit; and to repeal the original sections.

LEGISLATIVE BILL 785. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to marriage; to amend sections 42-103, 42-109, and 42-110, Reissue Revised Statutes of Nebraska; to change terminology; and to repeal the original sections.

LEGISLATIVE BILL 786. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to county government; to amend sections 23-1304, 23-1311, 23-1402, 23-1403, 23-1602, 23-1603, 23-1605, 23-1612, 23-2504, 23-2506, 23-2507, 23-2510, 23-2514, and 23-2528, Reissue Revised Statutes of Nebraska; to change terminology; and to repeal the original sections.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 261.** Introduced by Albrecht, 17.

WHEREAS, Michelle Helt was named the 2018 Nebraska Teacher of the Year; and

WHEREAS, Ms. Helt has worked her entire career at Cardinal Elementary School in South Sioux City, beginning as a resource and Title I reading teacher in 2002 and moving on to her current position as a third-grade teacher in 2004 after one year as an English as a Second Language and resource teacher; and

WHEREAS, Ms. Helt also serves on the school improvement team and the South Sioux City Professional Development Committee, is a mentor for practicum students from area colleges, and was a founding member of the South Sioux City District Curriculum Council; and

WHEREAS, as a teacher, Ms. Helt strives to keep her classroom "really light, a fun and safe place" while asking her students to engage in self-reflection to take ownership of their own learning; and

WHEREAS, dedicated teachers such as Ms. Helt and motivated students are key to our state's future.

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

1. That the Legislature congratulates Michelle Helt for being named the 2018 Nebraska Teacher of the Year.
2. That a copy of this resolution be sent to Michelle Helt.

Laid over.

LEGISLATIVE RESOLUTION 262. Introduced by Albrecht, 17.

WHEREAS, Pender Elementary School was recognized as a 2017 National Blue Ribbon School by the United States Department of Education; and

WHEREAS, the National Blue Ribbon Schools Program honors public and private schools where students achieve very high learning standards or are making notable improvements in closing the achievement gap; and

WHEREAS, Pender Elementary School has fostered an environment of commitment and achievement for its students and staff, including a multi-tiered system that supports students who need assistance; and

WHEREAS, Pender Elementary School's success is due in part to the Pendragon PRIDE initiative, which stands for preparation, respect, integrity, determination, and excellence; and

WHEREAS, a strong core curriculum allows top-notch classroom teachers to provide high quality classroom instruction to all children; and

WHEREAS, recognition as a 2017 National Blue Ribbon School is a testament to the dedication of the students, commitment of the faculty and staff, leadership of Principal Kelly Ballinger and Superintendent Jason Dolliver, and support from the Pender Board of Education, Educational Service Unit 1, and the Nebraska Department of Education.

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

1. That the Legislature congratulates the students, faculty, and staff of Pender Elementary School on their admirable achievements and applauds their dedication to a high standard of education.

2. That a copy of this resolution be sent to Pender Elementary School, Principal Kelly Ballinger, and Superintendent Jason Dolliver.

Laid over.

LEGISLATIVE RESOLUTION 263. Introduced by Scheer, 19; Albrecht, 17; Baker, 30; Blood, 3; Bolz, 29; Bostelman, 23; Brasch, 16; Brewer, 43; Briese, 41; Chambers, 11; Clements, 2; Crawford, 45; Ebke, 32; Erdman, 47; Friesen, 34; Geist, 25; Groene, 42; Halloran, 33; Hansen, 26; Harr, 8; Hilgers, 21; Hilke, 4; Howard, 9; Hughes, 44; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Quick, 35; Riepe, 12; Schumacher, 22; Smith, 14; Stinner, 48; Thibodeau, 6; Vargas, 7; Walz, 15; Watermeier, 1; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, the University of Nebraska Cornhusker Women's Volleyball Team won the 2017 NCAA Division I Women's Volleyball Championship; and

WHEREAS, the Huskers won the national championship by defeating the University of Florida in four sets, 25-22, 25-17, 18-25, and 25-16; and

WHEREAS, this is the fifth national championship for the Husker Volleyball Team, and the second in three years; and

WHEREAS, the Huskers finished the season with a record of 32 wins and 4 losses; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the amazing students of the University of Nebraska.

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

1. That the Legislature congratulates the Nebraska Cornhusker Women's Volleyball Team for their outstanding season and for winning the 2017 NCAA Division I Women's Volleyball Championship.

2. That a copy of this resolution be sent to the University of Nebraska Women's Volleyball Team and Coach John Cook.

Laid over.

LEGISLATIVE RESOLUTION 264. Introduced by Scheer, 19.

WHEREAS, the Norfolk Catholic High School Knights beat Boone Central/Newman Grove Cardinals by a score of 35-0 to win the 2017 Class C1 Nebraska State High School Football Championship; and

WHEREAS, the Knights finished their 2017 season with a record of 13-0; and

WHEREAS, this title is the tenth state football championship for Norfolk Catholic High School; and

WHEREAS, no other school in the state has won ten state titles in football; and

WHEREAS, Coach Jeff Bellar is now the winningest coach in Nebraska high school football history; 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 Norfolk Catholic High School football team on winning the 2017 Class C1 Nebraska State High School Football Championship.

2. That a copy of this resolution be sent to the Norfolk Catholic High School football team and Coach Jeff Bellar.

Laid over.

LEGISLATIVE RESOLUTION 265. Introduced by Riepe, 12.

WHEREAS, Dr. Mark Adler has provided great leadership and integrity as superintendent of the Ralston Public Schools since July 2012; and

WHEREAS, Superintendent Mark Adler has pursued such undertakings as providing increased academic growth, developing strategic planning and systems thinking approaches, and updating the administrative evaluation system in Ralston Public Schools; and

WHEREAS, Region II of the Nebraska Association of School Administrators provides an annual award for a superintendent of a school district in Burt, Cass, Dodge, Douglas, Otoe, Sarpy, or Washington County who displays outstanding traits in such areas as leadership in education, dedication to improving the quality of education, effectiveness in building employee relations, success in increasing student performance, and commitment to involving the public in education; and

WHEREAS, in recognition of the respect and appreciation of Ralston Public Schools for Superintendent Mark Adler, in November of 2017, Dr.

Adler was named Superintendent of the Year for Region II of the Nebraska Association of School Administrators.

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

1. That the Legislature expresses its appreciation for the achievements of Superintendent Mark Adler and for his positive impact on the State of Nebraska.

2. That a copy of this resolution be sent to Superintendent Mark Adler and the Ralston Public School District.

Laid over.

LEGISLATIVE RESOLUTION 266. Introduced by Hughes, 44.

WHEREAS, the United States Department of Interior, Bureau of Reclamation, recently announced new policies that will restrict the transferability of permits for lots around Hugh Butler Lake, Harry Strunk Lake, and Swanson Reservoir and that will require the removal of nonpermanent structures, such as mobile homes, from those lots; and

WHEREAS, the new policies change a half century of past practices; and

WHEREAS, businesses and residents from small towns near Hugh Butler Lake, Harry Strunk Lake, and Swanson Reservoir are concerned about adverse consequences related to the economic impact of the new Bureau of Reclamation policies; and

WHEREAS, Hugh Butler Lake, Harry Strunk Lake, and Swanson Reservoir permit holders have sought to work with the Bureau of Reclamation and the Nebraska congressional delegation to find an amicable resolution to the concerns of all interested parties.

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

1. That the Legislature urges the United States Department of the Interior, Bureau of Reclamation and the Nebraska congressional delegation to work together to find a solution that allows people occupying lots around Hugh Butler Lake, Harry Strunk Lake, and Swanson Reservoir to freely transfer their permits and leave nonpermanent structures, such as mobile homes, on the lots.

2. That the Legislature also urges the Nebraska Game and Parks Commission to consider taking such action as may be helpful to bring about a solution that allows for the transfer of permits and for nonpermanent structures to remain on lots around Hugh Butler Lake, Harry Strunk Lake, and Swanson Reservoir.

3. That a copy of this resolution be sent to Secretary of the Interior Ryan Zinke, Commissioner of the Bureau of Reclamation Brenda Burman, the Nebraska Game and Parks Commission, and each member of the Nebraska congressional delegation.

Laid over.

LEGISLATIVE RESOLUTION 267. Introduced by Harr, 8; Krist, 10.

WHEREAS, Helen Condon Jenkins was born in Fort Dodge, Iowa on January 30, 1929; and

WHEREAS, at age 7, Helen moved with her family to Omaha, where she attended high school and later attended the Creighton University St. Joseph School of Nursing; and

WHEREAS, Helen married the late Dr. Harry Jenkins Jr. in 1950. She and Harry met she was while attending nursing school at Creighton; and

WHEREAS, Helen raised twelve children, including a son who is now the president of the University of Notre Dame; and

WHEREAS, Helen gave back to her community by donating her time to the Christ Child Society, St. Pius/St. Leo School cafeteria, and Creighton University Medical Center surgical waiting room; and

WHEREAS, Helen was full of energy and had a joyful spirit. Her heart for God and devotion to the Catholic faith were behind everything she did; and

WHEREAS, Helen passed away on February 13, 2017.

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

1. That the Legislature recognizes and honors Helen Condon Jenkins, who dedicated her life to serving others, and extends its sympathy to her family and friends.

2. That a copy of this resolution be sent to the family of Helen Condon Jenkins.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Vargas filed the following amendment to LB290:
AM1472 is available in the Bill Room.

Senator Wayne filed the following amendment to LB482:
AM1485

1 1. Strike original sections 4 to 6 and renumber the remaining
2 sections accordingly.

3 2. On page 4, line 16, strike "sections 4 to 6 of this act" and
4 insert "the Government Neutrality in Contracting Act".

Senator Wayne filed the following amendment to LB482:
AM1484

1 1. On page 2, line 12, after "unit" insert "and that has unpaid
2 finances under section 48-2907 or unpaid taxes as a result of violating the
3 Employee Classification Act".

Senator Wayne filed the following amendment to LB482:
AM1483

1 1. Strike original section 4 and renumber the remaining sections

2 accordingly.

3 2. On page 4, lines 9 and 13, strike "section 4 of this act" and
4 insert "the Government Neutrality in Contracting Act"; and in line 16
5 strike "4 to" and insert "5 and".

Senator Wayne filed the following amendment to LB482:
AM1486

1 1. Strike original sections 4 to 6 and renumber the remaining
2 sections accordingly.
3 2. On page 2, strike lines 13 through 16; in line 17 strike "(3)"
4 and insert "(2)"; and in line 25 strike "(4)" and insert "(3)".
5 3. On page 3, line 6, strike "(5)" and insert "(4)"; in line 8
6 strike "(6)" and insert "(5)"; in line 12 strike "(7)" and insert "(6)";
7 in line 18 strike "(8)" and insert "(7)"; and in line 21 strike "(9)" and
8 insert "(8)".
9 4. On page 4, line 16, strike "sections 4 to 6 of this act" and
10 insert "the Government Neutrality in Contracting Act".

ANNOUNCEMENT(S)

Senator Krist designates LB368 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Erdman name added to LB17.
Senator Brewer name added to LB218.
Senator Brewer name added to LB295.
Senator Murante name added to LB345.
Senator Thibodeau name added to LB345.
Senator Brewer name added to LB611.

VISITORS

The Doctor of the Day was Dr. Joe Miller from Omaha.

ADJOURNMENT

At 12:00 p.m., on a motion by Speaker Scheer, the Legislature adjourned until 10:00 a.m., Thursday, January 4, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - JANUARY 4, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 4, 2018

PRAYER

The prayer was offered by Pastor Aaron Householder, Southview Baptist Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Linehan who was excused until she arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

MESSAGE(S) FROM THE GOVERNOR

June 30, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is appointed as the Director of the Nebraska Department of Health and Human Services - Division of Children and Family Services:

Matt Wallen, 445 Brentwood Drive, Gretna, NE 68028

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 22, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Coordinating Commission for Postsecondary Education:

John Bernthal, Ph.D., 5251 Troon Drive, Lincoln, NE 68526
Dr. Deborah Frison, 11515 Spaulding Street, Omaha, NE 68164
Dr. Joyce Simmons, 3502 Cape Charles Road E., Lincoln, NE 68516

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR266 was referred to the Reference Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 787. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 68-907 and 68-915, Revised Statutes Cumulative Supplement, 2016; to define a term; to change provisions relating to income determination; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 788. Introduced by Riepe, 12; Lindstrom, 18.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-145, Reissue Revised Statutes of Nebraska; to require continuing education regarding opiates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 789. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to the marijuana and controlled substances tax; to amend section 28-1439.02, Reissue Revised Statutes of Nebraska, and section 77-3906, Revised Statutes Cumulative Supplement, 2016; to eliminate the tax; to harmonize provisions; to repeal the original sections; and to outright repeal sections 77-4301, 77-4302, 77-4303, 77-4304, 77-4305, 77-4306, 77-4307, 77-4308, 77-4309, 77-4310, 77-4310.01, 77-4310.02, 77-4311, 77-4313, 77-4314, 77-4315, and 77-4316, Reissue Revised Statutes of Nebraska, and sections 77-4310.03 and 77-4312, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 790. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act; to amend sections 38-1001, 38-1004, 38-1017, 38-1036, and 71-203, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide for licensure of mobile cosmetology salons and mobile nail technology salons; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 791. Introduced by Ebke, 32; at the request of the Governor.

A BILL FOR AN ACT relating to the State Employees Collective Bargaining Act; to amend sections 81-1369, 81-1373, and 81-1377, Reissue Revised Statutes of Nebraska; to change Nebraska State Patrol employees' bargaining rights; to provide applicability for portions of the act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 792. Introduced by Ebke, 32; at the request of the Governor.

A BILL FOR AN ACT relating to law enforcement; to amend sections 81-1425 and 81-2009, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide duties for law enforcement agencies regarding the hiring and separation from service of law enforcement officers; to provide for civil immunity as prescribed; to provide investigative and subpoena powers to the executive director of the Nebraska Commission on Law Enforcement and Criminal Justice as prescribed; to change powers and duties of the Attorney General; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 793. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to developmental disabilities services; to amend section 83-1216, Revised Statutes Supplement, 2017; to eliminate provisions relating to specialized services; and to repeal the original section.

LEGISLATIVE BILL 794. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act; to amend sections 38-1086 and 38-10,142, Reissue Revised Statutes of Nebraska; to change provisions relating to intoxicating beverages in salons; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 795. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to birth certificates; to amend section 71-601, Reissue Revised Statutes of Nebraska; to provide for an acknowledgment of maternity as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 796. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,115, Revised Statutes Cumulative Supplement, 2016; to change allocation of the fee for an ignition interlock permit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 797. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-503 and 28-504, Reissue Revised Statutes of Nebraska; to change penalty provisions for second and third degree arson; and to repeal the original sections.

LEGISLATIVE BILL 798. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.04, Revised Statutes Cumulative Supplement, 2016, and section 77-2701, Revised Statutes Supplement, 2017; to provide a sales and use tax exemption for feminine hygiene products; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 799. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Surplus Lines Insurance Act; to amend section 44-5512, Reissue Revised Statutes of Nebraska, and section 44-5511, Revised Statutes Cumulative Supplement, 2016; to change filing deadlines; to change procedures related to sanctions; and to repeal the original sections.

LEGISLATIVE BILL 800. Introduced by Walz, 15.

A BILL FOR AN ACT relating to persons with disabilities; to amend section 81-6,122, Revised Statutes Cumulative Supplement, 2016; to provide and change requirements for a comprehensive strategic plan; to provide for a consultant; and to repeal the original section.

LEGISLATIVE BILL 801. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to children; to adopt the Panhandle Beginnings Act; to state intent relating to appropriations; and to declare an emergency.

LEGISLATIVE BILL 802. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend section 81-3701, Revised Statutes Supplement, 2017; to create a fund; to provide duties; to state intent; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 803. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to children; to amend sections 79-728, 79-1101, and 79-1104, Reissue Revised Statutes of Nebraska, and sections 71-1954, 71-1955, 71-1956, 71-1957, 71-1958, 71-1959, 71-1960, 71-1961, 71-1962, 71-1963, and 79-101, Revised Statutes Cumulative Supplement, 2016; to amend the Step Up to Quality Child Care Act; to redefine terms; to change school district requirements for kindergarten; to change school district requirements for prekindergarten programs and early childhood education programs; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-212, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 804. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 85-1801, 85-1802, 85-1804, 85-1805, 85-1806, 85-1807, 85-1808, 85-1809, 85-1810, 85-1811, 85-1812, 85-1813, and 85-1814, Reissue Revised Statutes of Nebraska, and sections 68-1201, 72-1239.01, and 77-2716, Revised Statutes Cumulative Supplement, 2016; to provide additional tax benefits for Nebraska educational savings plan trust accounts; to restate intent; to change provisions relating to withdrawals; to include savings plans for elementary and secondary education in the Nebraska educational savings plan trust; to redefine terms; to transfer provisions; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 805. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1801,

2-1805, 2-1806, 2-1809, and 2-1811, Reissue Revised Statutes of Nebraska; to provide an annual reporting requirement under the Nebraska Potato Development Act; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 806. Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to conveyances; to amend sections 48-2502, 48-2503, 48-2504, 48-2506, 48-2507, 48-2508, 48-2511, 48-2513, 48-2514, 48-2515, 48-2516, and 48-2532, Reissue Revised Statutes of Nebraska; to change and eliminate provisions of the Conveyance Safety Act; to repeal the original sections; and to outright repeal sections 48-2512, 48-2521, 48-2522, 48-2523, 48-2524, 48-2525, 48-2526, 48-2527, 48-2528, and 48-2529, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 807. Introduced by Harr, 8.

A BILL FOR AN ACT relating to state government; to state findings; to provide for replacement of a statue in the National Statuary Hall of the United States Capitol as prescribed; to create a committee; and to provide duties.

LEGISLATIVE BILL 808. Introduced by Harr, 8.

A BILL FOR AN ACT relating to agriculture; to amend section 51-201.01, Reissue Revised Statutes of Nebraska, sections 2-302, 2-303, 2-304, and 19-5210, Revised Statutes Cumulative Supplement, 2016, and section 2-301, Revised Statutes Supplement, 2017; to rename the Community Gardens Act; to restate legislative findings and intent; to define and redefine terms; to change provisions relating to use of vacant public land; to create a fund and provide for grants and annual reports; to transfer funds; to provide for the use of seed libraries at public libraries; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 809. Introduced by Harr, 8.

A BILL FOR AN ACT relating to public records; to amend sections 84-712 and 84-712.01, Reissue Revised Statutes of Nebraska; to prohibit charging a fee when a member of the Legislature requests a public record; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 810. Introduced by Harr, 8.

A BILL FOR AN ACT relating to the State Tort Claims Act; to amend section 81-8,219, Revised Statutes Supplement, 2017; to change provisions relating to liability for misrepresentation or deceit; and to repeal the original section.

LEGISLATIVE BILL 811. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-632 and 28-634, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to prohibited uses of scanning devices and encoding machines; and to repeal the original sections.

LEGISLATIVE BILL 812. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-135, 8-143.01, 8-157.01, 8-167.01, 8-183.04, 8-1,140, 8-318, 8-355, and 21-17,115, Revised Statutes Supplement, 2017; to adopt certain federal provisions; to revise powers of state-chartered banks, building and loan associations, and credit unions; to eliminate obsolete provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 813. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend sections 8-1101, 8-1101.01, 8-1103, and 8-1111, Revised Statutes Supplement, 2017; to redefine terms; to adopt certain federal provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 814. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to state government; to amend section 73-504, Revised Statutes Cumulative Supplement, 2016; to provide a procedure for resolving protests of service contract procurement protests; to require rules and regulations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 815. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to insurance; to amend section 44-416.09, Reissue Revised Statutes of Nebraska, and sections 44-416.06 and 44-416.07, Revised Statutes Cumulative Supplement, 2016; to provide regulatory authority regarding reinsurance as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 816. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend sections 60-1304, 81-2002.01, and 81-2003, Reissue Revised Statutes of Nebraska, and sections 60-1303 and 81-2014, Revised Statutes Supplement, 2017; to designate the patrol as the agency to investigate criminal activity within correctional facilities operated by the Department of Correctional Services; to provide powers and duties for the patrol; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 817. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1466 and 49-1479, Reissue Revised Statutes of Nebraska; to change provisions relating to candidate committees; and to repeal the original sections.

LEGISLATIVE BILL 818. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Jail Standards Board; to amend section 83-4,131, Reissue Revised Statutes of Nebraska, and section 83-4,126, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to powers and duties as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 819. Introduced by Hughes, 44; Hilgers, 21.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend section 83-915.01, Revised Statutes Cumulative Supplement, 2016; to provide additional uses for the Inmate Welfare and Club Accounts Fund; and to repeal the original section.

LEGISLATIVE BILL 820. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend section 70-1015, Revised Statutes Cumulative Supplement, 2016; to add and provide duties for the executive director of the board relating to privately developed renewable energy generation facilities; to provide a penalty as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 821. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend section 70-1020, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to assessments as prescribed; and to repeal the original section.

LEGISLATIVE BILL 822. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Department of Natural Resources; to amend section 61-206, Reissue Revised Statutes of Nebraska; to change provisions relating to duties of the department; and to repeal the original section.

LEGISLATIVE BILL 823. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-661, Reissue Revised Statutes of Nebraska, and section 48-604,

Revised Statutes Supplement, 2017; to redefine employment; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 824. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the taxation of benefits received under the federal Social Security Act; and to repeal the original section.

LEGISLATIVE BILL 825. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to state and local government; to amend section 77-1601.02, Reissue Revised Statutes of Nebraska, and sections 13-518, 13-519, and 13-520, Revised Statutes Supplement, 2017; to change provisions relating to budget limitations and procedures and property tax request public hearing notice requirements as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 826. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Uniform Child Custody Jurisdiction and Enforcement Act; to amend section 43-1238, Reissue Revised Statutes of Nebraska; to provide for jurisdiction to make factual findings as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 827. Introduced by Lowe, 37; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2; McDonnell, 5.

A BILL FOR AN ACT relating to the Department of Veterans' Affairs; to amend sections 83-153, 83-154, 83-155, and 83-156, Reissue Revised Statutes of Nebraska, and sections 80-301.01 and 81-1316, Revised Statutes Supplement, 2017; to provide for disposition of property of members of veterans homes as prescribed; to exempt certain personnel of the department from the State Personnel System; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 828. Introduced by Lowe, 37; Clements, 2.

A BILL FOR AN ACT relating to schools; to adopt the Empowerment Savings Account Act.

LEGISLATIVE BILL 829. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2016; to adopt the Property Tax Relief Act; to provide for a refundable tax credit; to adjust income for tax purposes as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 830. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend section 60-1411.03, Reissue Revised Statutes of Nebraska, section 60-1438.01, Revised Statutes Cumulative Supplement, 2016, and section 60-1407, Revised Statutes Supplement, 2017; to change provisions relating to license applications, prohibited acts, and franchise restrictions; and to repeal the original sections.

LEGISLATIVE BILL 831. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to political subdivisions; to define a term; and to provide annual salary limitations for certain elected officials.

LEGISLATIVE BILL 832. Introduced by Wayne, 13; Crawford, 45; Ebke, 32; Morfeld, 46; Vargas, 7; Walz, 15.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-401, Revised Statutes Supplement, 2017; to change the definition of marijuana; and to repeal the original section.

LEGISLATIVE BILL 833. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to liens; to amend section 52-903, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to petroleum products liens; and to repeal the original section.

LEGISLATIVE BILL 834. Introduced by Howard, 9; Blood, 3; Crawford, 45.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-101, Revised Statutes Supplement, 2017; to define terms; to provide for waiver of fees as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 835. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Behavioral Health Services Act; to amend sections 71-801 and 71-804, Revised Statutes Cumulative Supplement, 2016; to require patient encounter data upon request as prescribed; to provide for independent audits and external independent third-party reviews of payment denials by managed care organizations as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 836. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-2001, 38-2101, and 38-3101, Reissue Revised Statutes of

Nebraska; to provide for minors' consent to certain mental health services as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 837. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2017; to require submission of waiver applications to the Health and Human Services Committee of the Legislature as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 838. Introduced by Wishart, 27; Howard, 9.

A BILL FOR AN ACT relating to the Indoor Tanning Facility Act; to amend sections 71-3902, 71-3904, 71-3905, 71-3906, and 71-3907, Revised Statutes Cumulative Supplement, 2016; to define a term; to change provisions relating to age and signed agreements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 839. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1403, Reissue Revised Statutes of Nebraska, section 49-1463.01, Revised Statutes Cumulative Supplement, 2016, and section 49-1401, Revised Statutes Supplement, 2017; to define a term; to require reporting regarding electioneering communications; to provide for late filing fees; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 840. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Foster Care Review Act; to amend section 43-1303, Revised Statutes Supplement, 2017; to change reporting requirements for the Foster Care Review Office; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 841. Introduced by Pansing Brooks, 28; Baker, 30; Brewer, 43; Ebke, 32; Morfeld, 46; Schumacher, 22.

A BILL FOR AN ACT relating to correctional services; to state findings; to provide duties for the department and the Board of Parole relating to overcrowding emergencies; and to require a report.

LEGISLATIVE BILL 842. Introduced by Pansing Brooks, 28; Ebke, 32; Morfeld, 46; Schumacher, 22.

A BILL FOR AN ACT relating to crimes and punishment; to amend section 29-2204, Revised Statutes Supplement, 2017; to change provisions relating to minimum sentences; and to repeal the original section.

LEGISLATIVE BILL 843. Introduced by Pansing Brooks, 28; Blood, 3; Crawford, 45; Howard, 9; Walz, 15; Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska Wage Payment and Collection Act; to amend section 48-1228, Revised Statutes Cumulative Supplement, 2016; to provide protections for employees relating to wage disclosure; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 844. Introduced by Crawford, 45; Ebke, 32; Hansen, 26; Howard, 9; Pansing Brooks, 28; Quick, 35; Walz, 15.

A BILL FOR AN ACT relating to labor; to adopt the Healthy and Safe Families and Workplaces Act; and to provide severability.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 268. Introduced by Krist, 10.

WHEREAS, the framers of the Constitution of the United States of America intended that Congress be "dependent on the people alone" (The Federalist No. 52, Alexander Hamilton or James Madison); and

WHEREAS, what was a dependency on the people alone has transformed into a dependency on powerful special interests, through campaigns or third-party groups, which has created a fundamental imbalance in our representative democracy; and

WHEREAS, Americans across the political spectrum agree that elections in the United States of America should be free from the disproportionate influence of special interests and fair enough that any citizen can be elected into office; and

WHEREAS, the Constitution of Nebraska states that "governments are instituted among people, deriving their just powers from the consent of the governed." (Article I, section 1); and

WHEREAS, Article V of the Constitution of the United States requires Congress to call a convention for proposing amendments to the Constitution on the application of two-thirds of the legislatures of the several states; and

WHEREAS, in order to restore balance and integrity to our nation's elections, the Nebraska Unicameral Legislature perceives the need for an Article V convention limited to proposing an amendment to the Constitution of the United States that would permanently protect free and fair elections in America; and

WHEREAS, the State of Nebraska desires that delegates to the convention be comprised equally of individuals currently elected to state and local office or that such delegates be selected by election in each congressional district for the purpose of serving as delegates, and further desires that all individuals elected or appointed to federal office, now or in the past, be prohibited from serving as delegates to the convention; and

WHEREAS, the State of Nebraska intends this resolution to be a continuing application for an Article V convention to be considered together with the applications calling for a convention passed in the 2013-2014

Vermont General Assembly as J.R.S. 27 (Act R-454), the 2013-2014 California State Legislature as AJR 1 (res. ch. 77), the 2013-2014 Illinois General Assembly as SJR 42, the 2014-2015 New Jersey Legislature as SCR 132, and the 2016 Rhode Island General Assembly as HR 7670 and SR 2589, and with all other passed, pending, and future applications until such time as two-thirds of the several states have applied for a convention for a similar purpose and such convention is convened by Congress.

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

1. That the people of the State of Nebraska, speaking through their Nebraska Unicameral Legislature, and pursuant to Article V of the Constitution of the United States, hereby apply to the United States Congress to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States that would restore free and fair elections as described in this resolution, as soon as two-thirds of the several states have applied for a convention for a similar purpose.

2. That the Nebraska delegates to such convention shall have no discretion beyond that granted by the Nebraska Unicameral Legislature and that the Legislature retains its authority to restrict or expand the power of Nebraska's delegates within the limits expressed in this resolution.

3. That the Clerk of the Legislature transmit copies of this resolution to the President of the United States, the Vice President of the United States in his capacity as presiding officer of the United States Senate, the Speaker of the United States House of Representatives, the minority leader of the United States House of Representatives, the president pro tempore of the United States Senate, the members of the Senate and House of Representatives from this state, the Archivist of the United States, and the respective clerks of the United States House of Representatives and the United States Senate, with the respectful request that the full and complete text of this resolution be printed in the Congressional Record and recorded in the published tally of state applications for an Article V convention.

4. That the Clerk of the Legislature transmit copies of this resolution to the presiding officers of each legislative body of each of the several states, requesting the cooperation of the states in issuing an application compelling Congress to call an Article V convention to propose an amendment to the Constitution of the United States to restore free and fair elections as described in this resolution.

LEGISLATIVE RESOLUTION 269CA. Introduced by Schumacher, 22.

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 26 to Article XV:

XV-26 Notwithstanding any provision of this Constitution and subject to the limitations of the laws and treaties of the United States, the Legislature

may delegate complete or partial sovereignty to one area of the state not to exceed thirty-six square miles in area and a population density of ten persons per square mile for a period not to exceed ninety-nine years under such terms and conditions as set by the Legislature at the time of the delegation.

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 authorize the Legislature to delegate complete or partial sovereignty to one area of the state under such terms and conditions as set by the Legislature.

For

Against.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McCollister name added to LB299.

Senator McCollister name added to LB652.

WITHDRAW - Cointroducer(s)

Senator Ebke name withdrawn from LR6.

ADJOURNMENT

At 10:59 a.m., on a motion by Senator Halloran, the Legislature adjourned until 10:00 a.m., Friday, January 5, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - JANUARY 5, 2018
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
 Friday, January 5, 2018

PRAYER

The prayer was offered by Senator Albrecht.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Wayne who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

**2017 INTERIM REPORT
 ON THE DISPOSITION OF
 INTERIM STUDY RESOLUTIONS**

Agriculture

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
171	Interim study to examine ways to minimize conflict in the availability and utilization of bee forage resources	X		
179	Interim study to examine the application of the Livestock Brand Act to dairy animals and dairy operations located within the mandatory brand inspection area			X

180	Interim study to examine opportunities for increased coordination between the Nebraska Brand Committee and the Dept. of Agriculture			X
193	Interim study to determine the impact of increased use of higher level ethanol blends and various policies to incentivize use of such blends			X

Appropriations

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
113	Interim study to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund to pay for health care and related services			X
139	Interim study to analyze the best use of the state's child welfare resources in line with its goals		X	
164	Interim study to examine the need for restoration, development, and capital improvement of sites that attract tourists to and within Nebraska		X	
209	Interim study to examine the volatility of Nebraska's revenue portfolio to determine a set of evidence-based savings targets for the Cash Reserve Fund		X	
210	Interim study to examine fiscal distress among local political subdivisions in Nebraska and how the Legislature could establish an early warning system to identify and respond to such fiscal distress		X	
225	Interim study to assess the condition of property related to Willa Cather as described in section 82-129		X	

238	Interim study to examine the feasibility of acquiring funding for behavioral and mental health internship programs at the doctoral level in rural Nebraska		X	
242	Interim study to examine the feasibility of zero-based budgeting for state agencies			X

Banking, Commerce and Insurance

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
158	Interim study to examine whether the unclaimed property laws of Nebraska should be updated		X	
184	Interim study to examine whether the Real Property Appraiser Act should be amended			X

Business and Labor

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
168	Interim study to examine the feasibility of adopting a workers' compensation drug formulary		X	
183	Interim study to review reimbursement rates for ambulatory surgical centers and outpatient hospitals with respect to provision of workers' compensation services			X
201	Interim study to review reimbursement rates for ambulatory surgical centers and outpatient hospitals with respect to workers' compensation services in Nebraska			X
185	Interim study to examine the Farm Labor Contractors Act		X	
144	Interim study to examine the effects of nonstandard and volatile job schedules on Nebraska businesses, workers, and families			X
143	Interim study to examine pay equity issues		X	

141	Interim study to examine best practices for promoting career education and training that can lead to job readiness for middle-skill positions		X	
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Education

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
129	Interim study to explore best practices for incorporating the study of the Holocaust and other genocides into primary and secondary curriculum			X
130	Interim study to examine issues related to the use of substitute teachers	X		
148	Interim study to examine school meal programs in Nebraska			X
149	Interim study to examine the administrative structure and organization of school districts across the state			X
150	Interim study to examine the ratio of administration, faculty, and support staff to student enrollment within secondary education in Nebraska			X
155	Interim study to examine university campus policies and efforts aimed at reducing incidents of campus sexual violence and protecting the victims of such violence in Nebraska			X
166	Interim study to examine mental health education provided in Nebraska schools			X
170	Interim study to examine issues under the jurisdiction of the Education Committee			X
200	Interim study to examine issues related to dual enrollment and other courses that allow a student to obtain both high school and postsecondary education credit for such course			X

212	Interim study to identify K-12 and postsecondary education resources to meet industry needs in preparing students for employment in careers requiring knowledge and skills in science, technology, engineering, and math with an emphasis on jobs in the biosciences sector			X
217	Interim study to examine the programs and majors offered by the University of Nebraska at the Lincoln, Omaha, and Kearney campuses			X
218	Interim study to examine the feasibility of consolidating the University of Nebraska Medical Center and the University of Nebraska at Omaha to create a single University of Nebraska institution in Omaha			X
222	Interim study to examine dyslexia and reading literacy in Nebraska			X

Executive Board

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
190	Interim study to examine the possibility of creating an ethics committee within the Legislature			X
199	Interim study to conduct a review of staff structure, training processes, and roles and responsibilities as they relate to support staff of the standing committees of the Legislature and the Legislative Research Office			X
25	Interim study to examine the requirements in the Rules of the Legislature for preparing and delivering fiscal notes			X

General Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
204	Interim study to examine the structure for license fees under the Nebraska Liquor Control Act		X	
205	Interim study to examine issues under the jurisdiction of the General Affairs Committee		X	

Government, Military and Veterans Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
132	Interim study to examine elections conducted by and on behalf of political subdivisions		X	
146	Interim study to examine issues under the jurisdiction of the Government, Military and Veterans Affairs Committee		X	
181	Interim study to examine recommendations for procedures to be used for a convention of the states under Article V of the U.S. Constitution		X	
182	Interim study to examine the extent of voter fraud in Nebraska		X	
206	Interim study to examine the potential for counties to have additional authority to pass ordinances within county boundaries		X	
223	Interim study to examine Nebraska statutes governing the use of personally identifiable information		X	

Health and Human Services

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
11	Interim study to assess the Nebraska medical assistance program and the options for health care reform for Nebraska		Ongoing	

122	Interim study to examine public assistance programs in Nebraska		Ongoing	
131	Interim study to examine the distribution and use of federal Title X Program state and federal appropriations			X
140	Interim study to examine issues surrounding the Family Finding pilot project		Ongoing	
142	Interim study to review the progress of the aging and disability resource center projects and to consider the long-term role of the projects in Nebraska		Ongoing	
145	Interim study to examine the importance of Title IV-E Funds and the federal adoption assistance program			X
147	Interim study to conduct a comprehensive review of the Nebraska State Immunization Information System and to examine opportunities to increase the rate of immunizations reported to the system across the state		Ongoing	
154	Interim study to examine Nebraska's utilization of Temporary Assistance for Needy Families funds			X
156	Interim study to examine the ongoing implementation of the Child Care and Development Block Grant Act of 2014 and related state law and policy			X
157	Interim study to examine the January 1, 2017, implementation of the managed care delivery system for the State of Nebraska and the impact on the state budget			X
167	Interim study to examine ways to improve the coverage of hearing aid costs for Nebraska families			X
169	Interim study to examine whether the birth defects registry laws of Nebraska should be updated		X	

178	Interim study to examine existing telehealth and telemedicine systems and capabilities in Nebraska and opportunities to expand usage		X	
186	Interim study to examine the Nebraska Prescription Drug Monitoring Program and how providers access prescription drug data		Ongoing	
187	Interim study to determine the strengths and weaknesses of the five primary service areas of the Division of Children and Family Services of the Dept. of Health and Human Services		Ongoing	
188	Interim study to review policies and procedures relating to sustainability, organization, and best practices for data collection by the Division of Public Health relating to public health, epidemiology, and syndromic surveillance		Ongoing	
189	Interim study to examine ways in which Nebraska could increase access to health insurance, including medicaid			X
195	Interim study to examine the system of valuing automobiles for calculation of the motor vehicle tax			X
207	Interim study to examine public health issues related to drugs, alcohol, and sexually transmitted diseases in Douglas County			X
226	Interim study to examine the educational and credentialing requirements and the process of applying for and obtaining an electrology license for Nebraska		X	
227	Interim study to examine the educational and credentialing requirements and the process of applying for and obtaining a nail technology license for Nebraska		X	

228	Interim study to examine the educational and credentialing requirements and the process of applying for and obtaining a massage therapy license for Nebraska		X	
229	Interim study to examine the educational and credentialing requirements and the process of applying for and obtaining a barbering license for Nebraska		X	
230	Interim study to examine the educational and credentialing requirements and the process of applying for and obtaining an esthetics license for Nebraska		X	
231	Interim study to examine the educational and credentialing requirements and the process of applying for and obtaining a license to practice body art for Nebraska		X	
232	Interim study to examine the educational and credentialing requirements and the process of applying for and obtaining a cosmetology license for Nebraska		X	
233	Interim study to review the experiences of medicaid-eligible populations receiving long-term care services and support and identify the necessary practices and protocols for a managed care program		X	

Judiciary

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
28	Interim study to research how the state and each of the counties handle, process, and test sexual assault evidence collection kits			X
114	Interim study to examine Nebraska's statutes relating to geriatric or compassionate release laws for elderly inmates		X	

241	Interim study to examine the distribution and use of federal Title X Program state and federal appropriations			X
153	Interim study to examine the existence and practice of conversion therapy in Nebraska for minors			X
172	Interim study to review recruitment and retention efforts that are currently or could potentially be undertaken by the Dept. of Correctional Services		X	
173	Interim study to review the work detail and work release efforts at the community corrections centers		X	
191	Interim study to examine possible legislative reforms to Nebraska's mandatory minimum sentencing laws		X	
196	Interim study to track the progress of the Dept. of Correctional Services and to ensure the intentions set forth by the Legislature are being complied with and carried out			X
198	Interim study to examine the impact of incarceration on children in Nebraska		X	
208	Interim study to examine the cost of telephone calls made by people housed in county jails in Nebraska			X
216	Interim study to examine the policies, practices, and laws that govern the safeguarding and sealing of juvenile records			X
219	Interim study to examine the effectiveness of section 29-901, which relates to the imposition of fines, fees, and court costs			X
220	Interim study to investigate the purpose and benefits of creating conviction integrity units in Nebraska			X

221	Interim study to examine possible reforms to Nebraska's sentencing laws to accommodate an option of deferred judgment probation		X	
243	Interim study to examine issues related to eminent domain and property rights			X

Natural Resources

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
126	Interim study to examine the Nebraska Cooperative Republican Platte Enhancement project		X	
125	Interim study to examine public power in Nebraska		X	
245	Interim study to examine issues raised by LB504, 2017, related to placing a moratorium on industrial development of wind energy projects			X
239	Interim study to examine issues related to solar energy development in Nebraska			X
159	Interim study to examine issues under the jurisdiction of the Natural Resources Committee			X
4	Interim study to explore if the development of a more comprehensive water quality study is needed		X	
197	Interim study to examine issues surrounding the utilization of wood generated from the emerald ash borer infestation			X
211	Interim study to examine giving consumers a choice among electricity supply options and greater information concerning their service and billing options			X
237	Interim study to examine all aspects of the history of the Nebraska Cooperative Republican Platte Enhancement project			X

Nebraska Retirement Systems

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
91	Interim study to examine the public employees' retirement systems administered by the Public Employees Retirement Board		X	
92	Interim study to examine the requirement that the Nebraska Retirement Systems Committee of the Legislature monitor underfunded defined benefit plans administered by political subdivisions	X		
202	Interim study to examine bona fide severance of employment compliance requirements under the Internal Revenue Code as related to maintaining section 401 (a) qualified defined benefit retirement plans			X

Revenue

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
163	Interim study to examine the structure and administration of, and compliance with, real and personal property taxes			X
240	Interim study to examine the issues raised by LB121, 2017, related to taxation of military benefits		X	
195	Interim study to examine the system of valuing automobiles for calculation of the motor vehicle tax		X	
161	Interim study to examine the structure and administration of, and compliance with, state individual income and corporate income taxes		X	

162	Interim study to examine the structure and administration of, and compliance with, state and local sales and use taxes and any other miscellaneous taxes		X	
224	Interim study to examine cross-county assessment and collection of ad valorem taxes		X	

Rules

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
192	Interim study to examine the committee system of the Legislature	X		

Transportation and Telecommunications

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
176	Interim study to examine the provision of broadband telecommunication services within the state		X	
174	Interim study to review the implementation of the 911 Service System Act		X	
203	Interim study to examine issues surrounding the relocation of utilities within the public right-of-way		X	
214	Interim study to examine contracting and procurement by the Dept. of Roads			X
213	Interim study to examine state funding for Nebraska airports and specifically funding for airport capital improvement			X
175	Interim study to conduct an examination of issues related to reforming the regulation of basic local exchange service rates charged by local exchange telecommunications carriers subject to the jurisdiction of the Public Service Commission			X

215	Interim study to examine the feasibility of a pilot project involving autonomous shuttles in a city of the primary class			X
136	Interim study to examine the effect of the Congressional passage of Joint Resolution, S.J. RES. 34, which disapproved the Federal Communications Commission final rules for Protecting the Privacy of Customers of Broadband and Other Telecommunications Services			X
177	Interim study to review issues under the jurisdiction of the Transportation and Telecommunications Committee			X

Urban Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
60	Interim study to examine issues related to the use of tax-increment financing		X	
81	Interim study to examine the adoption and enforcement of state fire codes		X	
84	Interim study to examine the statutes governing some classes of municipalities		X	
85	Interim study to examine issues under the jurisdiction of the Urban Affairs Committee			X
109	Interim study to examine the collection of annual assessments under the Property Assessed Clean Energy Act			X
124	Interim study to examine contracting and procurement by cities of the metropolitan class			X
138	Interim study to examine the tools, mechanisms, and funding sources available to municipalities to provide for condemnation or demolition of vacant and abandoned buildings		X	

160	Interim study to examine the ability of municipalities in Nebraska to offer relocation incentives to attract new residents		X	
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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>

BILLS ON FIRST READING

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

LEGISLATIVE BILL 845. Introduced by Briese, 41.

A BILL FOR AN ACT relating to custody; to state findings and intent; to define terms; to provide for supportive services for parents with disabilities or prospective parents with disabilities with respect to custody as prescribed.

LEGISLATIVE BILL 846. Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Community Development Law; to amend sections 18-2116 and 18-2142.01, Reissue Revised Statutes of Nebraska; to require support and documentation for certain findings; to change provisions relating to the validity and enforceability of certain agreements; and to repeal the original sections.

LEGISLATIVE BILL 847. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to wills; to amend section 30-2316, Reissue Revised Statutes of Nebraska; to change provisions relating to waiver of certain rights of surviving spouse; and to repeal the original section.

LEGISLATIVE BILL 848. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1206, Revised Statutes Supplement, 2017; to correct a provision relating to possession of a deadly weapon by a prohibited person; and to repeal the original section.

LEGISLATIVE BILL 849. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to the Concealed Handgun Permit Act; to amend section 69-2440, Reissue Revised Statutes of Nebraska; to provide a duty for law enforcement agencies taking temporary possession of a handgun; and to repeal the original section.

LEGISLATIVE BILL 850. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to political subdivisions; to require disclosure of the cost to pay off bonds.

LEGISLATIVE BILL 851. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to schools; to amend sections 79-566, 79-567, 79-594, 79-1219, 79-2401, and 79-2402, Reissue Revised Statutes of Nebraska; to change provisions relating to and provide a limit for superintendent and educational service unit administrator compensation; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 852. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-1,102, Reissue Revised Statutes of Nebraska, and sections 83-184 and 83-1,135, Revised Statutes Cumulative Supplement, 2016; to provide for medical release for committed offenders as prescribed; to provide additional options for committed persons to work or participate in rehabilitative activities outside department facilities; to change provisions relating to the duties of and the use of certain funds by the Parole Administrator; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 853. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Department of Correctional Services; to authorize certain contracts.

LEGISLATIVE BILL 854. Introduced by Quick, 35.

A BILL FOR AN ACT relating to the Nebraska Municipal Land Bank Act; to amend sections 19-5203, 19-5205, and 19-5207, Revised Statutes Cumulative Supplement, 2016; to expand the number of municipalities that may elect to create a land bank; to redefine a term; to change provisions relating to land bank board requirements; to change land bank powers; and to repeal the original sections.

LEGISLATIVE BILL 855. Introduced by Lindstrom, 18; Brewer, 43; Groene, 42; Kolterman, 24; McCollister, 20; Quick, 35; Vargas, 7; Wayne, 13; Wishart, 27.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-3523, Reissue Revised Statutes of Nebraska; to change provisions relating to the Security, Privacy, and Dissemination of Criminal History Information Act to provide for charges or offenses that have been pardoned; and to repeal the original section.

LEGISLATIVE BILL 856. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to telecommunications and technology; to amend sections 86-125 and 86-580, Reissue Revised Statutes of Nebraska; to adopt the Internet Neutrality Act; to change requirements for communications providers under the Nebraska Telecommunications Regulation Act; to change provisions relating to financial assistance from the Nebraska Internet Enhancement Fund; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 857. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to postsecondary education; to adopt the Campus Confidentiality Act.

LEGISLATIVE BILL 858. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to provide annual adjustments for total disability income benefits; and to repeal the original section.

LEGISLATIVE BILL 859. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2016; to change a provision relating to documents which may be withheld from the public; to define a term; and to repeal the original section.

LEGISLATIVE BILL 860. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend sections 60-1401 and 60-1401.02, Revised Statutes Cumulative Supplement, 2016; to provide for compensation for recall repairs and certain orders affecting used motor vehicles as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 861. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to counties; to require that certain prosecution costs be paid by the state.

LEGISLATIVE BILL 862. Introduced by Howard, 9.

A BILL FOR AN ACT relating to prescription drugs; to adopt the Prescription Drug Cost Transparency Act.

LEGISLATIVE BILL 863. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-292, Reissue Revised Statutes of Nebraska; to add grounds for termination of parental rights; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 864. Introduced by Walz, 15.

A BILL FOR AN ACT relating to appropriations; to designate funds appropriated to the Department of Health and Human Services for state aid.

LEGISLATIVE BILL 865. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to municipalities; to amend sections 14-137 and 15-404, Reissue Revised Statutes of Nebraska, section 16-404, Revised Statutes Cumulative Supplement, 2016, and section 17-614, Revised Statutes Supplement, 2017; to changes provisions relating to the passage of ordinances by cities and villages; and to repeal the original sections.

LEGISLATIVE BILL 866. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-912, Revised Statutes Cumulative Supplement, 2016, and section 68-909, Revised Statutes Supplement, 2017; to change provisions relating to rules, regulations, waivers, and hearings; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 867. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to managed care; to amend section 81-3137, Reissue Revised Statutes of Nebraska; to require reports regarding contract violations; to require contracts to contain requirements regarding clean claims; to define a term; to eliminate obsolete provisions; and to repeal the original section.

LEGISLATIVE BILL 868. Introduced by Pansing Brooks, 28; Ebke, 32; Krist, 10; Morfeld, 46.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-1,114, Reissue Revised Statutes of Nebraska, and section 83-182.01, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to structured programming and deferral of parole as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 869. Introduced by Pansing Brooks, 28; Ebke, 32; Howard, 9; Morfeld, 46.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend

sections 43-2,108.01, 43-2,108.02, 43-2,108.03, 43-2,108.04, and 43-2,108.05, Reissue Revised Statutes of Nebraska; to change provisions relating to the sealing of juvenile records; to provide for retroactivity; to increase a penalty; and to repeal the original sections.

LEGISLATIVE BILL 870. Introduced by Pansing Brooks, 28; Ebke, 32; Howard, 9; Krist, 10; Morfeld, 46; Quick, 35; Wishart, 27.

A BILL FOR AN ACT relating to juvenile facilities; to amend section 83-4,134.01, Revised Statutes Cumulative Supplement, 2016; to provide for room confinement for juveniles as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 871. Introduced by Wishart, 27; Blood, 3; Bolz, 29; Hansen, 26; Kolowski, 31; Kolterman, 24; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Stinner, 48; Vargas, 7; Walz, 15; Williams, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Correctional Services as prescribed.

LEGISLATIVE BILL 872. Introduced by Harr, 8.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2315.01, 29-2315.02, 29-2316, 29-2317, 29-2319, and 29-2320, Reissue Revised Statutes of Nebraska; to change provisions relating to appeals by prosecutors; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 873. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 26; Howard, 9; Larson, 40; Quick, 35; Riepe, 12.

A BILL FOR AN ACT relating to cities and villages; to amend sections 19-201, 19-402, 19-403, 19-404, 19-405, 19-409, 19-411, 19-412, 19-413, 19-416, 19-417, 19-419, 19-421, 19-422, 19-423, 19-432, 19-433, 19-502, 19-503, 19-601, 19-603, 19-604, 19-605, 19-606, 19-607, 19-608, 19-609, 19-610, 19-611, 19-612, 19-613, 19-613.01, 19-615, 19-616, 19-617, 19-618, 19-619, 19-620, 19-645, 19-646, 19-647, 19-648, 19-662, 19-701, 19-702, 19-703, 19-704, 19-705, 19-706, 19-707, 19-708, 19-709, 19-710, 19-901, 19-902, 19-903, 19-904, 19-904.01, 19-905, 19-907, 19-908, 19-909, 19-910, 19-911, 19-912, 19-912.01, 19-913, 19-914, 19-915, 19-916, 19-917, 19-918, 19-919, 19-920, 19-921, 19-923, 19-925, 19-927, 19-928, 19-929, 19-930, 19-931, 19-932, 19-1103, 19-1104, 19-1301, 19-1302, 19-1303, 19-1304, 19-1305, 19-1306, 19-1307, 19-1308, 19-1309, 19-1310, 19-1311, 19-1312, 19-1401, 19-1402, 19-1403, 19-1404, 19-1501, 19-1502, 19-1826, 19-1829, 19-1830, 19-1833, 19-1834, 19-1836, 19-1839, 19-1846, 19-2101, 19-2102, 19-2103, 19-2104, 19-2105, 19-2106, 19-2201, 19-2202, 19-2203, 19-2302, 19-2303, 19-2304, 19-2401, 19-2403, 19-2405, 19-2406, 19-2410, 19-2411, 19-2412, 19-2413, 19-2414, 19-2416, 19-2417,

19-2419, 19-2420, 19-2421, 19-2422, 19-2423, 19-2424, 19-2425, 19-2426, 19-2428, 19-2429, 19-2430, 19-2432, 19-2701, 19-2901, 19-2902, 19-2904, 19-2905, 19-2907, 19-2908, 19-2909, 19-3052, 19-3101, 19-3302, 19-3303, 19-3304, 19-3305, 19-3306, 19-3307, 19-3308, 19-3309, 19-3310, 19-3311, 19-3312, 19-3313, 19-3314, 19-3315, 19-3315.01, 19-3316, 19-3317, 19-3318, 19-3319, 19-3320, 19-3321, 19-3322, 19-3323, 19-3324, 19-3325, 19-3326, 19-3327, 19-3701, 19-3801, 19-4017.01, 19-4019, 19-4021, 19-4022, 19-4032, 19-4033, 19-4035, 19-4036, 19-4629, 19-4630, 19-4632, 19-4633, 19-4634, 19-4636, 19-4638, 19-4701, and 19-5001, Reissue Revised Statutes of Nebraska, sections 16-238, 16-305, 16-308, 19-922, 19-2402, 19-2404, 19-2407, 19-2418, 19-2427, 19-4017, 19-4018, 19-4026, 19-4027, 19-4028, 19-4029, 19-4029.01, 19-4029.04, 19-4029.05, 19-4034, and 19-4037, Revised Statutes Cumulative Supplement, 2016, and sections 17-108.02, 17-121, 19-401, 19-415, 19-418, 19-602, 19-926, 19-1101, 19-1102, 19-1827, 19-3501, 19-4030, 19-4031, 32-538, and 32-539, Revised Statutes Supplement, 2017; to change provisions relating to cities of particular classes and villages; to correct and include references as prescribed; to eliminate obsolete provisions; to repeal definitions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 19-101, 19-104, 19-407, and 19-924, Reissue Revised Statutes of Nebraska, and sections 19-102 and 19-103, Revised Statutes Supplement, 2017.

LEGISLATIVE BILL 874. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 26; Howard, 9; Larson, 40; Quick, 35.

A BILL FOR AN ACT relating to community development; to amend sections 18-2107, 18-2109, 18-2113, 18-2116, and 18-2117.01, Reissue Revised Statutes of Nebraska, sections 18-2103, 18-2115, 18-2119, 18-2147, and 77-1704.01, Revised Statutes Cumulative Supplement, 2016, and section 18-2102.01, Revised Statutes Supplement, 2017; to change the Community Development Law; to redefine and alphabetize terms; to change provisions relating to tax-increment financing and certain property tax notices and receipts; and to repeal the original sections.

LEGISLATIVE BILL 875. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to crime and punishment; to amend section 28-105.02, Reissue Revised Statutes of Nebraska, and section 29-2204, Revised Statutes Supplement, 2017; to change provisions relating to the sentencing; to harmonize provisions; and to repeal the original sections.

MOTION(S) - Print in Journal

Senator Murante filed the following motion to LB730:

MO155

Indefinitely postpone.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB411:
AM1490

- 1 1. Strike section 2.
- 2 2. Amend the repealer and renumber the remaining sections
- 3 3 accordingly.

ANNOUNCEMENT(S)

The General Affairs Committee elected Senator Thibodeau as Vice Chairperson.

MOTION(S) - Print in Journal

Senator Hilgers offered the following motion:
Adopt the temporary rules as now in our possession as the permanent rules for the 2018 legislative session and any special sessions held.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Howard name added to LB681.
Senator Howard name added to LB685.
Senator Howard name added to LB688.
Senator Brewer name added to LB701.
Senator Brewer name added to LB718.
Senator Brewer name added to LB737.
Senator Brewer name added to LB778.
Senator Brewer name added to LB829.

VISITORS

Visitors to the Chamber were Senator Morfeld's aunt and cousins, Donna, Aidan, and Elaena Stadig from Lincoln; and Maison VanDyke-Ries and Lexi Barrett from Lincoln.

The Doctor of the Day was Dr. Robert Wergin from Seward.

ADJOURNMENT

At 11:04 a.m., on a motion by Senator Hansen, the Legislature adjourned until 10:00 a.m., Monday, January 8, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - JANUARY 8, 2018
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 8, 2018

PRAYER

The prayer was offered by Pastor Jonathan Painter, Lincoln Baptist Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Morfeld who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 173, line 14, after "session" insert "and any special sessions held".
The Journal for the third day was approved as corrected.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB668	General File
LB669	General File
LB670	Judiciary
LB671	Transportation and Telecommunications
LB672	Judiciary
LB673	Judiciary
LB674	Appropriations
LB675	Judiciary
LB676	Judiciary
LB677	Appropriations
LB678	Judiciary
LB679	General Affairs
LB680	Judiciary
LB681	Health and Human Services
LB682	Government, Military and Veterans Affairs

LB683	Banking, Commerce and Insurance
LB684	Revenue
LB685	Health and Human Services
LB686	Health and Human Services
LB687	Health and Human Services
LB688	Judiciary
LB689	Judiciary
LB690	Judiciary
LB691	Judiciary
LB692	Judiciary
LB693	Judiciary
LB694	Government, Military and Veterans Affairs
LB695	Judiciary
LB696	Judiciary
LB697	Judiciary
LB698	Nebraska Retirement Systems
LB699	Nebraska Retirement Systems
LB700	Nebraska Retirement Systems
LB701	Health and Human Services
LB702	Health and Human Services
LB703	Health and Human Services
LB704	Health and Human Services
LB705	Health and Human Services
LB706	Health and Human Services
LB707	Urban Affairs
LB708	Judiciary
LB709	Urban Affairs
LB710	Judiciary
LB711	Transportation and Telecommunications
LB712	Business and Labor
LB713	Natural Resources
LB714	Judiciary
LB715	Appropriations
LB716	Appropriations
LB717	Health and Human Services
LB718	Education
LB719	Urban Affairs
LB720	Urban Affairs
LB721	Transportation and Telecommunications
LB722	Natural Resources
LB723	Natural Resources
LB724	General Affairs
LB725	Government, Military and Veterans Affairs
LB726	Banking, Commerce and Insurance
LB727	Appropriations
LB728	Revenue
LB729	Judiciary
LB730	Revenue
LB731	Health and Human Services

LB732 Health and Human Services
LB733 Transportation and Telecommunications
LB734 General Affairs
LB735 Government, Military and Veterans Affairs
LB736 Banking, Commerce and Insurance
LB737 Education
LB738 Revenue
LB739 Revenue
LB740 Transportation and Telecommunications
LB741 Banking, Commerce and Insurance
LB742 Banking, Commerce and Insurance
LB743 Banking, Commerce and Insurance
LB744 Executive Board
LB745 Revenue
LB746 Government, Military and Veterans Affairs
LB747 General Affairs
LB748 Urban Affairs
LB749 Government, Military and Veterans Affairs
LB750 Banking, Commerce and Insurance
LB751 Executive Board
LB752 Judiciary
LB753 Government, Military and Veterans Affairs
LB754 Natural Resources
LB755 Transportation and Telecommunications
LB756 Urban Affairs
LB757 Judiciary
LB758 Natural Resources
LB759 Revenue
LB760 Revenue
LB761 Natural Resources
LB762 Natural Resources
LB763 Judiciary
LB764 Agriculture
LB765 Urban Affairs
LB766 Agriculture
LB767 Urban Affairs
LB768 Urban Affairs
LB769 Transportation and Telecommunications
LB770 Health and Human Services
LB771 Education
LB772 Revenue
LB773 Judiciary
LB774 Judiciary
LB775 Appropriations
LB776 Judiciary
LB777 Executive Board
LB778 Education
LB779 Education
LB780 Judiciary

LB781	Judiciary
LB782	Judiciary
LB783	Education
LB784	Business and Labor
LB785	Judiciary
LB786	Government, Military and Veterans Affairs
LB787	Health and Human Services
LB788	Health and Human Services
LB789	Revenue
LB790	Health and Human Services
LB791	Business and Labor
LB792	Judiciary
LB793	Health and Human Services
LB794	Health and Human Services
LB795	Judiciary
LB796	Transportation and Telecommunications
LB797	Judiciary
LB798	Revenue
LB799	Banking, Commerce and Insurance
LB800	Health and Human Services
LB801	Education
LB802	Appropriations
LB803	Education
LB804	Revenue
LB805	Agriculture
LB806	Business and Labor
LB807	Government, Military and Veterans Affairs
LB808	Agriculture
LB809	Executive Board
LB810	Judiciary
LB811	Judiciary
LB812	Banking, Commerce and Insurance
LB813	Banking, Commerce and Insurance
LB814	Government, Military and Veterans Affairs
LB815	Banking, Commerce and Insurance
LB816	Judiciary
LB817	Government, Military and Veterans Affairs
LB818	Judiciary
LB819	Judiciary
LB820	Natural Resources
LB821	Natural Resources
LB822	Natural Resources
LB823	Business and Labor
LB824	Revenue
LB825	Government, Military and Veterans Affairs
LB826	Judiciary
LB827	Government, Military and Veterans Affairs
LB828	Education
LB829	Revenue

LB830 Transportation and Telecommunications
 LB831 Government, Military and Veterans Affairs
 LB832 Judiciary
 LB833 Judiciary
 LB834 Health and Human Services
 LB835 Health and Human Services
 LB836 Judiciary
 LB837 Executive Board
 LB838 Health and Human Services
 LB839 Government, Military and Veterans Affairs
 LB840 Health and Human Services
 LB841 Judiciary
 LB842 Judiciary
 LB843 Business and Labor
 LB844 Business and Labor
 LR266 Natural Resources
 LR268 Government, Military and Veterans Affairs
 LR269CA Judiciary

Anderson, Steven F. - Nebraska Arts Council - General Affairs
 Barner, Darrin - Nebraska Tourism Commission - Government, Military and Veterans Affairs
 Bartee, Roderick Todd - Nebraska Child Abuse Prevention Fund Board - Health and Human Services
 Bernthal, John - Coordinating Commission for Postsecondary Education - Education
 Bigler, Eric - Motor Vehicle Industry Licensing Board - Transportation and Telecommunications
 Bird, Bradley - Nebraska Ethanol Board - Natural Resources
 Blaha, Sherry - State Emergency Response Commission - Government, Military and Veterans Affairs
 Bolduc, John Andrew - Superintendent - Nebraska State Patrol - Government, Military and Veterans Affairs
 Bucklin, Michelle - Environmental Quality Council - Natural Resources
 Cassels, Scott L. - Game and Parks Commission - Natural Resources
 Chapo, John - Nebraska Tourism Commission - Government, Military and Veterans Affairs
 Citta, Joseph - Environmental Quality Council - Natural Resources
 Conley, John - Nebraska Investment Council - Nebraska Retirement Systems
 Copple, David - Nebraska Highway Commission - Transportation and Telecommunications
 Czaplowski, Mark - Environmental Quality Council - Natural Resources
 Dahab, Mohamed - Environmental Quality Council - Natural Resources
 Dilsaver, John - Environmental Quality Council - Natural Resources
 Dixon, Roger A. - Nebraska Tourism Commission - Government, Military and Veterans Affairs
 Frison, Deborah - Coordinating Commission for Postsecondary Education - Education

Galyen, Jeffrey - State Racing Commission - General Affairs
Gangwish, Rodney K. - Environmental Quality Council - Natural Resources
Gerdes, Mary K. - Nebraska Highway Commission - Transportation and Telecommunications
Gerke, Randy D. - Director - Nebraska Public Employees Retirement Systems - Nebraska Retirement Systems
Gissler, Layne - Nebraska Board of Parole - Judiciary
Goodwin, Robert P. - Nebraska Oil and Gas Conservation Commission - Natural Resources
Gorynski, Alec - Nebraska Arts Council - General Affairs
Grennan, Dennis - Nebraska Power Review Board - Natural Resources
Grimes, John - State Emergency Response Commission - Government, Military and Veterans Affairs
Guinan, Patrick - State Personnel Board - Government, Military and Veterans Affairs
Hall, Robert - Environmental Quality Council - Natural Resources
Hansen, G. Randall - Crime Victims Reparations Committee - Judiciary
Hawks, James W. - Nebraska Highway Commission - Transportation and Telecommunications
Hedquist, Lance - Environmental Quality Council - Natural Resources
Hiller, John - State Electrical Board - General Affairs
Hoch, Harry - Nebraska State Fair Board - Agriculture
Hornady, Ellen - Nebraska Arts Council - General Affairs
Huenergardt, Darrel J. - Nebraska Arts Council - General Affairs
Jasnoch, Roger L. - Nebraska Tourism Commission - Government, Military and Veterans Affairs
Keegan, Barbara J. - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
Keetle, Steven - Tax Equalization and Review Commission - Revenue
Kindig, James - Nebraska Highway Commission - Transportation and Telecommunications
Kobza, Robert - Board of Educational Lands and Funds - Education
Kuhn, James - Tax Equalization and Review Commission - Revenue
Kuhn, Roger - Nebraska Tourism Commission - Government, Military and Veterans Affairs
Lee, Dennis Patrick - State Racing Commission - General Affairs
Lehl, Starr - Nebraska Tourism Commission - Government, Military and Veterans Affairs
Litchfield, James - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
Marsh, Michele R. - Foster Care Advisory Committee - Health and Human Services
McFarland, Barry - Nebraska Tourism Commission - Government, Military and Veterans Affairs
McIntosh, Ryan - Nebraska Environmental Trust Board - Natural Resources
McPheeters, Scott - Nebraska Ethanol Board - Natural Resources
Morris, Rebecca Jane - Stem Cell Research Advisory Committee - Health and Human Services

Nelson, Paul J. - Nebraska Child Abuse Prevention Fund Board - Health and Human Services
Nelson, Taylor - Nebraska Ethanol Board - Natural Resources
Nelson - Loseke, Debra - Nebraska Tourism Commission - Government, Military and Veterans Affairs
Newman, Robert L. - Commission for the Blind and Visually Impaired - Health and Human Services
Oliver, Thomas D. - Nebraska Oil and Gas Conservation Commission - Natural Resources
Olson, Ashley - Nebraska Tourism Commission - Government, Military and Veterans Affairs
Orr, John W. - Nebraska Environmental Trust Board - Natural Resources
Oswalt, Joseph - State Emergency Response Commission - Government, Military and Veterans Affairs
Parker, Thomas - Crime Victims Reparations Committee - Judiciary
Rieken, Becky D. - Commission for the Blind and Visually Impaired - Health and Human Services
Rippe, David J. - Director - Department of Economic Development - Banking, Commerce and Insurance
Roop, Dennis - Stem Cell Research Advisory Committee - Health and Human Services
Roush, Sue - Nebraska Arts Council - General Affairs
Schneider, Heather - Nebraska Arts Council - General Affairs
Schutt, Diane - Commission for the Deaf and Hard of Hearing - Health and Human Services
Simmons, Joyce - Coordinating Commission for Postsecondary Education - Education
Snurr, Peggy - Foster Care Advisory Committee - Health and Human Services
Sortum, Sarah - Nebraska Tourism Commission - Government, Military and Veterans Affairs
Stavas, Jeanna - Nebraska Tourism Commission - Government, Military and Veterans Affairs
Sullivan, Kate - Nebraska Accountability and Disclosure Commission - Government, Military and Veterans Affairs
Syslo, Mick - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
Von Behren, Paul - Coordinating Commission for Postsecondary Education - Education
Wallen, Matt - Director - Division of Children and Family Services - Health and Human Services
Weborg, Tyler - Beginning Farmer Board - Agriculture
Wellman, Steven - Director - Department of Agriculture - Agriculture
Wolford, Greg - Nebraska Highway Commission - Transportation and Telecommunications
Wootton, Edward R., Sr. - Board of Public Roads Classifications and Standards - Transportation and Telecommunications
Yi, Rui - Stem Cell Research Advisory Committee - Health and Human Services

Zingula, Douglas - Game and Parks Commission - Natural Resources
 Zuhlke, Alden - Environmental Quality Council - Natural Resources

(Signed) Dan Watermeier, Chairperson
 Executive Board

MOTION(S) - Print in Journal

Senator Hughes filed the following motion to LB823:
 MO156
 Withdraw bill.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 7, 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

Abboud, Chris - Public Affairs Group
 DraftKings Inc.
 FanDuel, Inc.
 MasterCard
 Abraham, Christine K.
 League of Nebraska Municipalities
 Adair, Peggy
 League of Women Voters of Greater Omaha
 Adams, Greg
 Nebraska Community College Association
 Adams, John H.
 International Gamco, Inc.
 Alston, Garth R.
 Altria Client Services LLC and its Affiliates
 Amack, Angela K.
 Center for People in Need
 Everytown for Gun Safety Action Fund
 Grand Island Public Schools
 International Brotherhood of Electrical Workers (IBEW)
 Jensen Rogert Associates, Inc.
 Nebraska Professional Fire Fighters Association (NPFFA)
 American Communications Group, Inc.
 AARP Nebraska
 American Cancer Society Cancer Action Network
 American Heart Association
 Association of Surgical Technologists
 Autism Speaks
 Center for Rural Affairs

EHPV Lottery Services LLC aka Big Red Keno
Empyrean Brewing Company
Friends of Public Health in Nebraska
Health Center Association of Nebraska
Legal Aid of Nebraska
Nebraska Association of Behavioral Health Organizations
Nebraska Association of Public Employees NAPE/AFSCME Local 61
Nebraska Board of Engineers and Architects
Nebraska Chapter of the American Physical Therapy Association
Nebraska Child Health and Education Alliance
Nebraska Investment Finance Authority
Nebraska Psychological Association
Nebraska Society for Respiratory Care
Nebraska Speech-Language-Hearing Association (NSLHA)
Nebraska State AFL-CIO
North Central States Regional Council of Carpenters
Regions II and V
Research Nebraska!
Teamsters Local Union 554
The Repair Association
UNO Chapter of the AAUP
Vigilnet America LLC
Wind Coalition, The
YMCA's of Nebraska

Antonich, John
Nebraska Association of Public Employees NAPE/AFSCME Local 61

Babcock, Marsha L.
Mechanical Contractors Association of Omaha, Inc.

Badeer, Debra A.
Nebraska Christian Home Educators Association

Baier, Richard J.
Nebraska Bankers Association

Baird Holm LLP
BHE Renewables, LLC
Bluestem Energy Solutions
Geronimo Energy, LLC
Great Plains Chapter of the American Society of Landscape Architects
Immanuel Retirement Communities
Moran's Liquor Works, LLC
Nebraska Craft Brewers Guild
Northeast Nebraska Public Power District
Sandhills Energy, LLC
Turner Park North, LLC
Westervelt Ecological Services

Baratta, Robert
Teladoc Inc.

Barrett, John R.
Great Plains Communications, Inc.

Baumfalk, Benjamin
First Five Nebraska

Becker, David
The Nebraska Geological Society

Becker, Jill
Black Hills Energy

Becker, Timothy
Heartland Strategy Group, LLC

Beermann, Allen J.
Nebraska Press Association

Behmer, Nicole
Jensen Rogert Associates, Inc.

Belka, Matt
Nebraska Association of School Boards

Bell, David
Loup River Public Power District

Benjamin, Melody
Nebraska Cattlemen, Inc.

Benson, Jenni
Nebraska State Education Association

Beyer, Nolan
Millard Public Schools

Bish, Andrew
Hemp Harvest Works

Blake, Jeremiah
Charter Communications, Inc.

Block, Kristi
Nebraska Grain and Feed Association

Blunt, Andrew B.
General Motors LLC

Boddy, Heath
Licensed Practical Nurse Association of Nebraska (LPNAN)
Nebraska Health Care Association, Inc.

Bohrer, Bruce J.
Lincoln Chamber of Commerce

Bolen, Holley
Bruning Law Group
Nebraska Strategies

Bonaiuto, John A.
Nebraska Association of School Boards

Borgeson, Robert A.
SMART-TD

Boschult, Mary
League of Women Voters of Lincoln and Lancaster County

Bottorf, Wesley
Farmers Mutual of Nebraska

Bowling, Karen
Nebraska Family Alliance

Brady, Justin J.
Radcliffe, Walter H. of Radcliffe and Associates

Brandt, Horan, Hallstrom and Stilmock
National Federation of Independent Business (NFIB)
Nebraska Bankers Association
Nebraska Bankers Insurance and Services Company (NBISCO)
Nebraska Fire Chiefs' Association
Nebraska Pharmacists Association
Nebraska State Volunteer Firefighters' Association
Nebraskans for Workers' Compensation Equity and Fairness

Bredenkamp, Troy
Renewable Fuels Nebraska

Bromm Nielsen & Mines
Aflac
AHIP - America's Health Insurance Plans
Cameco Resources
Cargill
Douglas County West Community Schools
Education Service Unit #3
Educational Service Unit Coordinating Council
Johnson & Johnson
National Association of Insurance and Financial Advisors (NAIFA)
Nebraska Agri-Business Association
Nebraska Cable Communications Association
Nebraska Corn Growers Association
Nebraska Hotel & Lodging Association, Inc.
Nebraska Insurance Information Service
Nebraska Medical Center
Nebraska State Athletic Trainers Association
Papio Valley Preservation Association, Inc.
Prime Therapeutics, LLC
Springfield Platteview Community Schools
State Farm Insurance Companies
Syngenta
Teladoc Inc.
Verizon Communications, Inc.

Bromm, Curt
Bromm Nielsen & Mines

Bromm, Jason
Bromm Nielsen & Mines

Bruning Law Group
Altria Client Services LLC and its Affiliates
National Rifle Association
TracFone Wireless, Inc.

Bruning, Deonne
U.S. Cellular

Bruning, Jon
Bruning Law Group

Buettner, Jeffrey J.
Central Nebraska Public Power and Irrigation

Carstenson, Eric B.
Nebraska Telecommunications Association

Carter, Jennifer
FBLincoln
Food Bank of the Heartland

Cartier, John
Nebraskans for Civic Reform

Cavanaugh & Associates, P.C., L.L.O.
Explore Information Services
Independent Insurance Agents of Nebraska
Nebraska Chapter of the Sierra Club

Cavanaugh, James P.
Cavanaugh & Associates, P.C., L.L.O.

Cavanaugh, Matthew
Nebraska Housing Developers Association

Chaffee, Meghan
Nebraska Medical Association

Chaffin, Lash
League of Nebraska Municipalities

Cheloha, John A.
City of Omaha

Christensen, Graham
GC Resolve, LLC
GC ReVOLT, LLC

Christian, Brad
ABATE of Nebraska, Inc.

Clark, John
ACT, Inc.

Conrad, Danielle
ACLU Nebraska

Cover, Joni
Nebraska Pharmacists Association

CP Strategies LLC
Nebraska Petroleum Producers Association
Nebraska Total Care
PACE SAGE, LLC
T-Mobile

Creager, Jennifer
Greater Omaha Chamber

Davidson Tribbs, Emma
Everytown for Gun Safety Action Fund

Davis, Jeffrey N.
Burlington Northern Sante Fe (BNSF) Railway Company

Decamp, Suzan
AARP Nebraska

Dentlinger, Courtney
Nebraska Public Power District

Dibbern, Chris
Nebraska Municipal Power Pool

Dix, Larry J.
Nebraska Association of County Officials

Dobler, James B.
Professional Insurance Agents of Nebraska

Dubas, Annette
Nebraska Association of Behavioral Health Organizations

Dulaney, Michael S.
Nebraska Council of School Administrators

Dunning, Eric
Blue Cross and Blue Shield of Nebraska

Dunning, Matthew
Nebraska Association of School Boards

Edson, Dean E.
Nebraska Association of Resources Districts

Edwards, Jon
Nowka & Edwards

Eickholt, Christopher/Spike
ACLU Nebraska
Nebraska Criminal Defense Attorneys Association

Erickson, Julie S.
American Communications, Inc.

Ernst, Dan E.
Nebraska Council of School Administrators

Everett, Elizabeth
First Five Nebraska

Falk, W. Jarad
Charter Communications, Inc.

Faustman, Nicholas
American Cancer Society Cancer Action Network

Fennell, Madaline
Nebraska State Education Association

Ferrell, Beth Bazyn
Nebraska Association of County Officials

Field, Laura
Nebraska Cattlemen, Inc.

Fox, Nicole
Platte Institute for Economic Research

Fraizer, Theodore D. (Tad)/Fraizer & Fraizer
American Insurance Association
Mutual of Omaha

Freeman, Clayton
Alzheimer's Association Nebraska Chapter

Frickel, Cheryl
Nebraska Occupational Therapy Association

Frohman, Ann M.
Ameritas Life Insurance Corp.

Fry, Renee
OpenSky Policy Institute

Garcia, Lauren
Nebraska Catholic Conference

Geis, Gavin Lawrence
Common Cause National

George, Dee D
Novartis Services, Inc.

Gerloff, Jerianne
Pfizer Inc.

Gerrard, Eric
American Communications, Inc.
City of Lincoln

Gilbert, Randall
Gilbert, Randall

Gilbertson, Korby M.
Radcliffe, Walter H. of Radcliffe and Associates

Giles, Jo
Coalition for a Strong Nebraska

Godinez, Rosangela
ACLU Nebraska

Goettmoeller, Jennifer M.
First Five Nebraska

Gokie, Mark T.
Farmers Mutual of Nebraska

Gosch, Brian
National Rifle Association

Gottschalk, Kristen
Nebraska Rural Electric Association

Gould, John 'Jack'
Common Cause Nebraska

Grasz, Nate
Nebraska Family Alliance

Habben, Jon
Nebraska Rural Community Schools Association

Hack, Mace A.
Nature Conservancy, The

Hale, Andy
Nebraska Hospital Association

Hallstrom, Robert
Brandt, Horan, Hallstrom and Stilmock

Hamilton, Hallie
Nebraska Family Alliance

Hansen, John K.
Nebraska Farmers Union

Hapgood, Wade
United Healthcare Services, Inc.

Harrold, Michael D.
Express Scripts Holding Co.

Harrold, Patricia
Nebraska Firearms Owners Association (NFOA)

Hartmann, William
Nebraska One-Call Notification Center

Harvey, William F.
EHPV Lottery Services LLC aka Big Red Keno
Vigilnet America LLC

Hassebrook, Kristen
We Support Agriculture

Hatfield, Scott S.
CV Sciences

Hayes, Jason W.
Nebraska State Education Association

Heartland Strategy Group, LLC
American Society of Composers, Authors & Publishers
Blue Cross and Blue Shield of Nebraska
Consumer Technology Association
Omaha Professional Firefighters Association
Peetz & Company
Thai Boxing Association
TransCanada

Hebb, Jeff
Nebraska Realtors Association

Herrmann, Jessica
Nebraska Cattlemen, Inc.

Higgins, Shirley
Nebraska Public Power District

Hladik, Johnathan
Center for Rural Affairs

Holmquist, David
AARP Nebraska

Hunter-Pirtle, Ann
Stand for Schools

Hurley, Rachel
Monsanto

Husch Blackwell LLP
Enhanced Capital
Nebraska Chiropractic Physicians Association
Papio-Missouri River Natural Resources District
Waste Management, Inc.

Irsik, Ryan
Wal-Mart Stores, Inc.

Jacobson, Mary
Bruning Law Group
Nebraska Strategies

Jarecke, David A.
Nebraska Rural Electric Association

Jensen Rogert Associates, Inc.
ABATE of Nebraska, Inc.
Altria Client Services LLC and its Affiliates
American Massage Therapy Association, Nebraska Chapter

Associated Builders and Contractors, Inc.
Eli Lilly and Company
LeadingAge Nebraska
Learning Community of Douglas and Sarpy Counties
Mosaic
Nebraska Association of Nurse Anesthetists
Nebraska Dental Hygienists' Association
Nebraska Intellectual Disabilities Services Providers
Nebraska Optometric Association
Nebraska Podiatric Medical Association
Ponca Tribe of Nebraska
Statewide Property Owners' Association
Trilogy Integrated Resources, LLC

Jensen, Ronald L.
Jensen Rogert Associates, Inc.

Joekel, Tiffany
OpenSky Policy Institute

Johnson, Mary A.
Mueller Robak, LLC

Jones, Benjamin
Union Pacific Railroad

Juhnke, Alan R.
Nebraska Pork Producers Association

Karl, Jamie
Nebraska Chamber of Commerce & Industry

Karnes, David K.
EHPV Lottery Services LLC aka Big Red Keno
Nebraska Investment Finance Authority
Vigilnet America LLC

Kay, Sara A.
American Institute of Architects, Nebraska Chapter
Nebraska County Attorneys Association

Keigher & Associates, LLC
Credit Management Services
Iowa-Nebraska Equipment Dealers Association
MillerCoors, LLC
Nebraska AirBoat Association
Nebraska Auctioneers Association
Nebraska Aviation Trade Association
Nebraska Community College Association
Nebraska Land Improvement Contractors Association
Professional Towers Association of Nebraska

Keigher, Timothy P.
Keigher & Associates, LLC
Nebraska Petroleum Marketers & Convenience Store Association

Kelley Governmental Relations, LLC
Metro Area Transit (O-Metro)

Kelley Plucker, LLC
Advantage Capital

Bennington Public Schools
Cigar Association of America, Inc.
Community Alliance, Inc.
Creighton University
CVS Health
Daily Record, The
Douglas County, Nebraska
Eastern Nebraska Human Services Agency
EHPV Lottery Services LLC aka Big Red Keno
Elevator Industry Work Preservation Fund
Guardian Tax Partners
Johnson Brothers of Nebraska
Lamar Outdoor Advertising Company
Nebraska Coalition of Agricultural Manufacturers
Nebraska Collectors Association
Nebraska Credit Union League
Nebraska School Activities Association
Nebraska State Lodge of the Fraternal Order of Police
Nowka & Edwards
Omaha Airport Authority
Omaha Exposition and Racing, Inc.
Omaha Police Officers Association
WellCare Health Plans, Inc.
Westside Community Schools
Kelley, Michael A.
Kelley Governmental Relations, LLC
Kelley Plucker, LLC
Kelley, Sean
Kelley Governmental Relations, LLC
Kelley Plucker, LLC
Kennedy, Barry L.
Nebraska Chamber of Commerce & Industry
Kenny, Timothy R.
Nebraska Investment Finance Authority
Kilgarin, Karen
Nebraska State Education Association
Kingery, Shannon L.
RAI Services Co. (Reynolds American Inc.)
TransparentBusiness, Inc.
Kissel Kohout ES Associates, LLC
American Petroleum Institute
Associated Beverage Distributors of Nebraska
Burlington Northern Sante Fe (BNSF) Railway Company
CenturyLink
Lancaster County Board of Commissioners
March of Dimes
Metropolitan Area Planning Agency
Nebraska Association of Regional Administrators
Nebraska CASA Association

Nebraska Cooperative Council
Nebraska Golf Alliance
Nebraska Municipal Power Pool
Nebraska Regional Officials Council
Polaris Industries
Professional Engineers Coalition
Ralston Public School District
Telecare Corporation
Thomson Reuters
United Cities of Sarpy County
Klute, Anne M. N.
Associated Builders and Contractors, Inc.
Kohout, Joseph D.
Kissel Kohout ES Associates, LLC
Kohout, Victoria
Research Nebraska!
Koops, Berend
Merck Sharp and Dohme Corp.
Kopacki, Christopher
National Rifle Association
Krannawitter, Brian
American Heart Association
Kruse Company
Nebraska Alliance for Family and Child Service Providers
RAI Services Co. (Reynolds American Inc.)
Kruse, Dacia
Kruse Company
Kubat, Rick
Metropolitan Utilities District
Landwehr, Susan M.
Eli Lilly and Company
Lassen, Robert
AARP Nebraska
Levy, David C.
Baird Holm LLP
Likes, Steven C.
Nebraska Investment Finance Authority
Lindsay, John C.
O'Hara Lindsay & Associates, Inc.
Loeffler, Michael T.
Northern Natural Gas
Logsdon, Robert R.
Cox Communications
Lombardi, Richard A.
American Communications, Inc.
Loontjer, Pat
Gambling with the Good Life
Lostroh, David L.
Nebraska Christian Home Educators Association

Ludwig, David M.
Educational Service Unit Coordinating Council

Luebbe, Lori
Nebraska Soybean Association

Luedtke, Joselyn
Bromm Nielsen & Mines

Luetkenhaus, Brandon
Nebraska Credit Union League

Lyons, Liz
Children's Hospital & Medical Center

MacDonald, Blair E.
O'Hara Lindsay & Associates, Inc.

Mach, Coby
Lincoln Independent Business Association (LIBA)

MacTaggart, Christon
Women's Fund of Greater Omaha, Inc.

Mahlman, Dale
Nebraska Medical Association

Malik, Meghan
Women's Fund of Greater Omaha, Inc.

Mallett, Rochelle A.
O'Hara Lindsay & Associates, Inc.

Martin, Susan L.
Nebraska State AFL-CIO

Matulka, Mark
Mosaic

McBride, David S.
Nebraska Optometric Association

McClure, Jeanne
American Council of Engineering Companies/Nebraska

McClure, John C.
Nebraska Public Power District

McClymont, Pete
Nebraska Cattlemen, Inc.

McDonald, Edison
Arc of Nebraska, The

McDonald, Vickie
Nebraska Association of Former State Legislators

McGowan, Kyle
Nebraska Council of School Administrators

McGuire, Mark D.
Cameco Resources

McHale, Michael
Nebraska Catholic Conference

McIntosh, Ryan K.
National Guard Association of Nebraska

McKee, Nancy
Sunovion Pharmaceuticals Inc.

McKenzie, Janis M.
Nebraska Association for the Gifted
Nebraska Insurance Federation

Melotz, Shawn
Papio Valley Preservation Association, Inc.

Mendez-Harper, LuGina
Prime Therapeutics, LLC

Menzel, Elaine
Nebraska Association of County Officials

Meradith, Steve
Windstream Communications

Meurrens, Bradley
Disability Rights Nebraska

Meyer, Patricia
Nebraska Winery and Grape Growers Association (NWGGA)

Mick, Ansley
Nebraska Farm Bureau Federation

Mikkelsen, Brian
Nebraska State Education Association

Mikolajczyk, Megan N
Planned Parenthood of the Heartland

Miller, Amy A.
ACLU Nebraska

Miller, Brennen
Kissel Kohout ES Associates, LLC

Miner, Marion
Nebraska Catholic Conference

Mines, Mick
Bromm Nielsen & Mines

Mollhoff, Janece
League of Women Voters of Nebraska

Moody, Christopher
General Motors LLC

Mueller Robak
American Express Travel Related Services, Inc.
Associated General Contractors of America, Nebraska Chapter
AT&T, Inc.
Chief Industries, Inc.
Children and Family Coalition of Nebraska
COPIC Insurance Company
Duncan Aviation, Inc.
Eastern Nebraska Development Council
First Data Corporation
Frenchman Cambridge Irrigation District
GlaxoSmithKline
Greenwich Biosciences, Inc.
Innocence Project, The
Integrated Life Choices
Iowa-Nebraska Rental Dealers Association
Lincoln Airport Authority
Madonna Rehabilitation Hospital
Millard Public Schools

Millard Roofing and Gutter Company
Nebraska Academy of Eye Physicians and Surgeons
Nebraska Association of Airport Officials
Nebraska Association of Commercial Property Owners
Nebraska Court Reporters Association
Nebraska Dental Association
Nebraska District Court Judges Association
Nebraska Interactive
Nebraska Land Title Association
Nebraska Machinery Company
Nebraska Medical Association
Nebraska Methodist Health Systems
Nebraska Oncology Society
Nebraska Press Association
Nebraska Society of Independent Accountants
Nebraska State Bar Association
Nebraskans for Civic Reform
New Venture Fund
PayPal
Pharmaceutical Research and Manufacturers of America
Smithfield Foods, Inc.
Stand for Schools
State Troopers Association of Nebraska, Inc.
Sugar Creek Capital
Uber Technologies, Inc.
Women's Fund of Greater Omaha, Inc.
Mueller, William J.
 Mueller Robak, LLC
Nable-Juris, Nikola
 Campaign for the Fair Sentencing of Youth
Nathan, Robbie
 AARP Nebraska
Neal, John P.
 Lincoln Public Schools
Nebraska Strategies
 Bluestem Energy Solutions
 Facebook
 Mark Anthony Brands
 Nebraska Licensed Beverage Association
 QC Supply
 Tesla Motors
Neilan Strategy Group
 Cavanaugh & Associates, P.C., L.L.O.
 Tenaska
Neilan, Perre S.
 Neilan Strategy Group
Nelson, Stephen D.
 Nebraska Farm Bureau Federation
Neville, Brennan S.
 National Indemnity Company

Nickerson, Jocelyn S.
Humane Society of the United States, The
Nielsen, Coleen J.
Bromm Nielsen & Mines
Nowka & Edwards
Adams Central Public Schools
Anheuser-Busch Companies
Bryan Health
Deloitte Consulting LLP
Digital Gaming Solutions, Inc.
Elkhorn Public Schools
Grand Island Northwest Public Schools
Kelley Plucker, LLC
Metropolitan Utilities District
National Utility Contractors Association of Nebraska, Inc. (NUCA)
Nebraska Academy of Family Physicians
Nebraska Academy of Nutrition and Dietetics
Nebraska Association of Area Agencies on Aging
Nebraska Association of County Officials
Nebraska County Attorneys Association
Nebraska Funeral Directors Association
Nebraska Home Care Association
Nebraska Pork Producers Association
Nebraska Poultry Industries, Inc.
Nebraska Public Power District
Nebraska Rural Community Schools Association
Nebraska Sheriffs' Association
Nebraska Society of Radiologic Technologists
Nebraska State College System
Nebraska State Dairy Association
Nebraska Water Coalition
NET Foundation for Television
OneMain Holdings, Inc
Pfizer Inc.
Southern Public Power District
Union Pacific Railroad
US Assets
Nowka, Trent
Nowka & Edwards
O'Hara Lindsay & Associates, Inc.
4 Lanes 4 Nebraska
All American Games LLC
Alliance of Automobile Manufacturers
Alter Trading Corporation
Black Hills Energy
Blue Cross and Blue Shield of Nebraska
Center Pivot Manufacturers Association
City of Lincoln
Council of Independent Nebraska Colleges

First National of Nebraska, Inc.
Institute of Scrap Recycling Industries, Inc., Northwest Chapter
Motorola Solutions, Inc.
National Association of Housing and Redevelopment Officials, Nebraska
Chapter
Nebraska Association of Independent Ambulatory Centers
Nebraska Association of Trial Attorneys
Nebraska Beverage Association
Nebraska County Judges Association
Nebraska Nurses Association
Nebraska Rural Broadband Coalition
Nebraskans for Rate Equity
Northern Natural Gas
Nucor Corporation
Omaha Public Power District
Omaha Public Schools
Self Storage Association
The Willa Cather Foundation
Winnebago Tribe of Nebraska
O'Hara, Michael J.
Cavanaugh & Associates, P.C., L.L.O.
Omey, Samantha
Exxon Mobil Corporation
Orr, Scott
FMR LLC
Orton, Leroy W.
Nebraska Onsite Waste Water Association
Nebraska State Irrigation Association
Nebraska Well Drillers Association
Othmer, Mark F.
Iowa-Nebraska Equipment Dealers Association
Otto, James A.
Nebraska Grocery Industry Association
Nebraska Restaurant Association
Nebraska Retail Federation
OneMain Holdings, Inc
Otto, Richard J.
Nebraska Grocery Industry Association
Nebraska Restaurant Association
Nebraska Retail Federation
Pack, Mary M.
Radcliffe, Walter H. of Radcliffe and Associates
Paden, Nicholas K.
Cox Communications
Parker, David R.
Great West Casualty Company
Parr, Ann L.
Farmers Mutual of Nebraska

Partington, Jim
Nebraska Restaurant Association

Peetz & Company
Advocates for Behavioral Health
Aetna
Bass Pro Shops
CHI Health
Children's Hospital & Medical Center
Cox Communications
Durham Museum
Enel Green Power North America, Inc.
First Five Nebraska
Kiewit Corporation
Metropolitan Entertainment & Convention Authority
Microsoft Corporation
Nebraska Nurse Practitioners
Oath and Other Various Subsidiaries
Omaha Zoological Society
QLI, Inc.
School Employees' Retirement System of Douglas County School District 1
Tenaska
TradeWind Energy
University of Nebraska

Peetz, Jack
Peetz & Company

Peetz, Natalie
Peetz & Company

Peterson, Chris
CP Strategies LLC

Peterson, Patricia Schuett
Nebraska Investment Finance Authority

Petsch, Jean
Associated General Contractors - Nebraska Building Chapter

Pfeifer, Pat
Nebraska State Legislative Board - Brotherhood of Locomotive Engineers
and Trainmen

Pitts, Kathleen
Nebraska Appleseed

Plucker, Julia
Kelley Plucker, LLC

Pollock, Andy
DISH Network LLC
Nebraska Defense Counsel Association
Nebraska Library Association
Nebraska Rural Telecommunications Coalition
Nebraska Travel Association (NETA)
NorthWestern Energy
United Healthcare Services, Inc.
Waste Connections of Nebraska, Inc.

Potter, Cara E.
WellCare Health Plans, Inc.

Preston, Kim
Excellence in Education National, Inc., d/b/a Excellence in Education in Action

Prockish, Ann
CenturyLink

Prokop, Matthew
American Cancer Society Cancer Action Network

Quick, Kim A.
Nebraska Labor Unity Council c/o Teamsters Local 554

Radcliffe, Walter H. of Radcliffe and Associates
Advance America c/o MultiState Associates, Inc.
Altria Client Services LLC and its Affiliates
Bellevue Public Schools
Enterprise Rent-A-Car
Farm Credit Services of America
Father Flanagan's Boys' Home aka Boys Town
Father Flanagan's Boys' Home dba Boys Town National Research Hospital

Friends of Nebraska Parks
Ground Water Management Coalition
HBAL/MOBA Coalition
Ho-Chunk, Inc.
Housing Policy Network
Hy-Vee
League of Nebraska Municipalities
Lincoln Public Schools
Media of Nebraska, Inc.
Metropolitan Community College
Motion Picture Association of America
National Council of State Boards of Nursing
Nebraska Association of Health Underwriters (NAHU)
Nebraska Broadcasters Association
Nebraska Cable Communications Association
Nebraska Cultural Endowment
Nebraska Expressways for Economic Development (NEED)
Nebraska Health Care Association, Inc.
Nebraska Horsemen's Benevolent and Protective Association
Nebraska Liquor Wholesalers
Nebraska Optometric Association
Nebraska Psychiatric Society
Nebraska Pyrotechnics Association
Nebraska Realtors Association
Nebraska Society of Certified Public Accountants
Nebraska State Cemetery Association
Nebraska State Fair Board
Nebraska Telecommunications Association
New Venture Fund

North Central States Unit of the National Association of Theatre Owners, Inc.
Pinnacle Bank
Property Casualty Insurers Association of America
Speedway Motors, Inc.
Tyson Foods, Inc.
Woodmen of the World Life Insurance Society and Subordinate Entities

Ragland, Jina
AARP Nebraska

Rasmussen, Jordan
Center for Rural Affairs

Redoutey, Laura J.
Nebraska Hospital Association

Reiser, Richard S.
Nebraska Trucking Association

Rempe, Jay E.
Nebraska Farm Bureau Federation

Renner, Shawn D.
Media of Nebraska, Inc.

Rex, L. Lynn
League of Nebraska Municipalities

Richards, Thomas
Omaha Public Power District

Richters, Rebecca S.
ACLU Nebraska

Rieker, Bruce R.
Nebraska Farm Bureau Federation

Riley, Christopher T.
Archer Daniels Midland Company

Robak, Kim M.
Mueller Robak, LLC

Robertson, Rob J.
Nebraska Farm Bureau Federation

Rogert, Kent
Jensen Rogert Associates, Inc.

Roque, Matthew
ProRail Nebraska, Inc.

Rosenberg, Ember
Honda North America, Inc.

Rubel, Lauralie
WellCare Health Plans, Inc.

Rubin, Barry R.
Heartland Strategy Group, LLC

Ryan, June
AARP Nebraska

Sahling-Zart, Shelley R.
Lincoln Electric System

Schaefer, Matthew T.
Mueller Robak, LLC

Scherer, Larry
Nebraska State Education Association

Schilz, Kenneth
Bruning Law Group
Nebraska Strategies

Schmit-Albin, Julie
Nebraska Right to Life

Schrader, Cora
Peetz & Company

Schuller, Lynne
Nebraska Horsemen's Benevolent and Protective Association
Nebraska Propane Gas Association

Sears, Jay
Nebraska State Education Association

Sedlacek, Ronald J.
Husch Blackwell LLP
Nebraska Chamber of Commerce & Industry

Seelhoff, Janet
National Utility Contractors Association of Nebraska, Inc. (NUCA)
Nebraska Home Care Association

Sharpe, Bridget
Professional Beauty Association

Siefken, Kathy
Nebraska Grocery Industry Association
Nebraska Retail Federation
SHAZAM

Silke, Vanessa
Baird Holm LLP

Sobotta, Russell
Sanofi US

Spatz, John
Nebraska Association of School Boards

Spohn, Katherine J.
Bruning Law Group
Nebraska Strategies

Stenek, Abby
Lincoln Independent Business Association (LIBA)

Stilmock, Gerald M.
Brandt, Horan, Hallstrom and Stilmock

Stoddard, Abigail
Prime Therapeutics, LLC

Sullivan, J. Scott
Nebraska Credit Union League

Summers, Juliet
Voices for Children in Nebraska

Swanson, Heather
Nebraska Affiliate of the American College of Nurse-Midwives

Tabor, Noah
Medica

Taylor, Bruce
Dexcom, Inc.

Tennant, Natalie
Brennan Center for Justice at NYU School of Law

Thielen, Nicholas
EHPV Lottery Services LLC aka Big Red Keno
Vigilnet America LLC

Thompson, Brian
Consolidated Companies, Inc.

Todd, A. Loy, Jr.
Nebraska New Car & Truck Dealers Association

Torpy, Katie
Nature Conservancy, The

Tse, Julia
Voices for Children in Nebraska

Ullstrom, Galen F.
Mutual of Omaha

Venzor, Tom
Nebraska Catholic Conference

Vodvarka, Dan
Nebraska Society of Certified Public Accountants

Vokal, James D., Jr.
Platte Institute for Economic Research

Voyles, Seth
Omaha Public Power District

Wagner, Chris
Project Extra Mile

Ward, Kathryn
AARP Nebraska

Weber, Michelle
Zulkoski Weber LLC

Weber, Rocky
Nebraska Cooperative Council

Wellman, Sarah
Werner Enterprises, Inc. and Subsidiaries

Werner, Terry
Nebraska Chapter of the National Association of Social Workers

Wesely, Don
O'Hara Lindsay & Associates, Inc.

Westerhold, Russell
Nowka & Edwards

Wetzel, Jason
General Motors LLC

White, Rosemary
AAA Nebraska and The Auto Club Group

Wickersham, William R.
Nebraska Association of Former State Legislators

Wickman-Byrd, Barbara J.
Nebraska State Home Builders Association

Wightman, Anna Castner
First National of Nebraska, Inc.

Williams, David M.
Ameritas Life Insurance Corp.

Wiltgen, Jennifer
Nebraska Total Care

Windle, J. Bub
Mueller Robak, LLC

Winger, Dwight R.
Pinpoint Holdings, Inc.

Winston, Kenneth C.
Bold Alliance, Inc.

Winter, Robert
Greater Nebraska Schools Association

Woepfel, Ed
Nebraska Cooperative Council

Wolf, Ron
Nebraska State Irrigation Association

Wolfe, Jessica
Greenwich Biosciences, Inc.

Wurster, Donald F.
National Indemnity Company

Yost, Kurt T.
Central Nebraska Public Power and Irrigation
MM Finance, LLC
Nebraska Financial Services Association
Nebraska Independent Community Bankers

Young, Hannah
Nonprofit Association of the Midlands

Young, Joseph
Nebraska Chamber of Commerce & Industry

Zalenski, Susan D.
Johnson & Johnson

Zink-Wythers, Jeanie
AARP Nebraska

Zulkoski Weber LLC
Archer Daniels Midland Company
Bio Nebraska Life Sciences Association
Cedars Youth Services
Consortia Consulting
Ducks Unlimited, Inc.
Kum & Go
Nebraska Academy of Physician Assistants
Nebraska Association of Resources Districts
Nebraska Broadband Coalition
Nebraska Emergency Medical Services Association
Nebraska Hospital Association
Nebraska Veterinary Medical Association
Renewable Fuels Nebraska

Zulkoski, Katie W.
Zulkoski Weber LLC

Zych, Michelle
Women's Fund of Greater Omaha, Inc.

MOTION - Adopt Permanent Rules

Senator Hilgers offered his motion, found on page 173, to adopt the temporary rules as now in our possession as the permanent rules for the 2018 legislative session and any special sessions held.

Senator Brasch offered the following proposed rules change:

Change Rule 3, Section 8

Sec. 8. Chairperson, Vice Chairperson. (a) The chairperson of each standing and select committee shall be selected by ~~secret ballot~~ viva voce on the floor of the Legislature. In accordance with Article III Section 11 of the Nebraska Constitution, the yeas and nays of the members shall at the desire of any one of them be entered into the journal.

(b) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board. All votes for chairperson of a special committee shall be viva voce. In accordance with Article III Section 11 of the Nebraska Constitution, the yeas and nays of the members shall at the desire of any one of them be entered into the journal.

(c) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson. All votes for chairperson of a special committee shall be viva voce. In accordance with Article III Section 11 of the Nebraska Constitution, the yeas and nays of the members shall at the desire of any one of them be entered into the journal.

(d) The chairperson may, at his or her discretion, assume the title of chairman, chairwoman, or chair for legislative purposes.

Senator Brasch withdrew her proposed rules change.

Senator Chambers requested a record vote on the Hilgers motion to adopt the permanent rules.

Voting in the affirmative, 40:

Albrecht	Chambers	Hilgers	Lindstrom	Stinner
Baker	Clements	Howard	Linehan	Thibodeau
Blood	Crawford	Hughes	McCollister	Vargas
Bolz	Ebke	Kolowski	Morfeld	Walz
Bostelman	Geist	Kolterman	Pansing Brooks	Watermeier
Brasch	Groene	Krist	Scheer	Wayne
Brewer	Halloran	Kuehn	Schumacher	Williams
Briese	Harr	Larson	Smith	Wishart

Voting in the negative, 1:

Lowe

Present and not voting, 8:

Erdman	Hansen	McDonnell	Quick
Friesen	Hilkemann	Murante	Riepe

The Hilgers motion to adopt the permanent rules prevailed with 40 ayes, 1 nay, and 8 present and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 876. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Special Education Act; to amend sections 79-1142 and 79-1145, Reissue Revised Statutes of Nebraska; to change provisions relating to reimbursement; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 877. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1001, Revised Statutes Cumulative Supplement, 2016, and sections 79-1003, 79-1007.11, and 79-1017.01, Revised Statutes Supplement, 2017; to change provisions related to early childhood education aid; to provide aid; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 878. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1912, Reissue Revised Statutes of Nebraska; to adopt requirements relating to testimony by jailhouse informants; to state intent; to define terms; to create duties for prosecutors and provide for court orders for failure to comply with such duties; to provide for a hearing to determine reliability; to provide for a jury instruction; to change provisions relating to requests for discovery by criminal defendants; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 879. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to the Vital Statistics Act; to amend section 71-601, Reissue Revised Statutes of Nebraska, and section 71-615, Revised Statutes Cumulative Supplement, 2016; to provide for a parenting time summary report; to provide duties for district court clerks and the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 880. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to city planning and zoning; to amend sections 14-403.01, 15-1102, and 19-903, Reissue Revised Statutes of Nebraska; to change provisions relating to comprehensive plans for cities to provide for an early childhood element as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 881. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to inheritance taxes; to amend section 77-2002, Reissue Revised Statutes of Nebraska; to provide an exemption relating to life insurance proceeds; and to repeal the original section.

LEGISLATIVE BILL 882. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to inheritance taxes; to amend section 77-2018.02, Revised Statutes Supplement, 2017; to change provisions relating to certain inheritance tax proceedings; and to repeal the original section.

LEGISLATIVE BILL 883. Introduced by Harr, 8.

A BILL FOR AN ACT relating to the Attorney General; to amend sections 81-2009 and 84-205, Reissue Revised Statutes of Nebraska; to change the powers and duties of the Attorney General; to provide the Attorney General authority to appoint independent counsel in cases of crimes by state employees or officials; to provide powers for such independent counsel; and to repeal the original sections.

LEGISLATIVE BILL 884. Introduced by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-319, 13-320, 13-322, 13-323, and 13-324, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to county sales and use taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 885. Introduced by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1502, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to property tax protests; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 886. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to journalism; to define terms; to provide protection for student journalists' rights of freedom of speech and freedom

of the press; to provide protection for student media advisers; to provide immunity for schools; and to provide exceptions.

LEGISLATIVE BILL 887. Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section 13-519, Revised Statutes Supplement, 2017; to clarify requirements for exceeding budget limitations; and to repeal the original section.

LEGISLATIVE BILL 888. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to schools; to require posting a child abuse and neglect toll-free telephone number as prescribed; and to provide for rules and regulations.

LEGISLATIVE BILL 889. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to fire codes; to amend sections 81-502 and 81-502.04, Reissue Revised Statutes of Nebraska; to provide for a State Fire Code as prescribed; to provide and eliminate duties for the State Fire Marshal; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-541.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 890. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend section 81-505.01, Reissue Revised Statutes of Nebraska; to provide for a fee examination and a report; and to repeal the original section.

LEGISLATIVE BILL 891. Introduced by Pansing Brooks, 28; Crawford, 45; Howard, 9; Krist, 10; Morfeld, 46; Vargas, 7.

A BILL FOR AN ACT relating to the Psychology Practice Act; to amend sections 38-3101 and 38-3129, Reissue Revised Statutes of Nebraska; to prohibit discrimination in the provision of psychological services as prescribed; to provide a duty for the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 892. Introduced by Howard, 9; Chambers, 11; Wishart, 27.

A BILL FOR AN ACT relating to offenses against animals; to prohibit restraining animals in the event of certain natural or manmade disasters or severe weather events as prescribed; and to provide a penalty.

LEGISLATIVE BILL 893. Introduced by Wishart, 27; Chambers, 11; Howard, 9; Morfeld, 46.

A BILL FOR AN ACT relating to the Dog and Cat Purchase Protection Act;

to amend section 54-644, Reissue Revised Statutes of Nebraska, and sections 54-645 and 54-646, Revised Statutes Cumulative Supplement, 2016; to define a term; to change provisions relating to written disclosure statements by sellers; to provide for restrictions and duties on pet shop owners as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 894. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to emergency medical services personnel; to amend sections 38-131, 38-1201, 38-1221, 38-1224, 38-1232, 38-1237, 69-2429, and 71-507, Reissue Revised Statutes of Nebraska, and sections 28-470 and 38-1217, Revised Statutes Supplement, 2017; to adopt the EMS Personnel Licensure Interstate Compact; to redefine terms; to require criminal background checks; to authorize practice pursuant to the compact; to provide for temporary licensure; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 895. Introduced by Geist, 25.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 37-1280, 60-129, 60-133, 60-174, 60-348, 60-354, 60-3,185, and 60-4,130.04, Reissue Revised Statutes of Nebraska, sections 60-168.01, 60-171, 60-175, 60-3,113.02, 60-3,113.03, 60-484, and 60-4,122, Revised Statutes Cumulative Supplement, 2016, and sections 60-101, 60-102, 60-149, 60-301, 60-302, and 60-395, Revised Statutes Supplement, 2017; to define and redefine terms; to exempt certain vehicles from titling and registration; to authorize the Department of Motor Vehicles to remove a lien from a certificate of title as prescribed; to change certificate of title application documentation requirements as prescribed; to provide for a flood damaged title brand; to change renewal requirements for handicapped or disabled parking permits as prescribed; to provide a tax exemption for nonresident spouses of servicemembers; to change provisions relating to issuance of state identification cards; to change provisions relating to commercial driver safety course requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 896. Introduced by Geist, 25.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 37-1285, 37-1293, and 60-389, Reissue Revised Statutes of Nebraska, sections 60-169 and 60-173, Revised Statutes Cumulative Supplement, 2016, and sections 37-1283, 37-1285.01, 60-164, 60-164.01, 60-166, 60-192, 60-386, and 60-1507, Revised Statutes Supplement, 2017; to change implementation dates for provisions relating to electronic certificates of title for motorboats and certain vehicles and the electronic dealer services system as prescribed; to provide for an electronic reporting system for dismantled and salvage motorboats and dismantled and salvage vehicles; to provide for the use of identification numbers for registering

certain trailers; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 897. Introduced by Howard, 9; Morfeld, 46.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-902, Reissue Revised Statutes of Nebraska; to change provisions regarding reports of injury or violence by medical providers; to define a term; and to repeal the original section.

LEGISLATIVE BILL 898. Introduced by Howard, 9; Morfeld, 46.

A BILL FOR AN ACT relating to postsecondary education; to require an annual sexual assault climate survey, a report, and training.

GENERAL FILE

LEGISLATIVE BILL 611. Title read. Considered.

Committee AM655, found on page 769, First Session, 2017, was adopted with 26 ayes, 10 nays, and 13 present and not voting.

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

Voting in the affirmative, 28:

Blood	Ebke	Krist	Scheer	Watermeier
Bolz	Geist	Lindstrom	Schumacher	Wayne
Briese	Hansen	Linehan	Smith	Williams
Chambers	Hilkemann	McDonnell	Stinner	Wishart
Clements	Hughes	Quick	Thibodeau	
Crawford	Kolterman	Riepe	Vargas	

Voting in the negative, 11:

Albrecht	Brewer	Groene	Larson
Bostelman	Erdman	Halloran	Lowe
Brasch	Friesen	Kuehn	

Present and not voting, 10:

Baker	Hilgers	Kolowski	Morfeld	Pansing Brooks
Harr	Howard	McCollister	Murante	Walz

Advanced to Enrollment and Review Initial with 28 ayes, 11 nays, and 10 present and not voting.

LEGISLATIVE BILL 17. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 105. Title read. Considered.

SPEAKER SCHEER PRESIDING

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 146. Title read. Considered.

Senator Hansen offered his amendment, AM308, found on page 535, First Session, 2017.

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

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 899. Introduced by Erdman, 47; Brewer, 43; Groene, 42; Halloran, 33; Lowe, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-101, Reissue Revised Statutes of Nebraska; to define a term; to provide for an adjustment to the assessed value of destroyed real property; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 900. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to transportation; to amend sections 60-462, 60-4,131, 60-4,131.01, and 60-4,132, Revised Statutes Cumulative Supplement, 2016, and sections 60-119.01, 60-336.01, 60-386, 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,147.02, 60-501, 60-628.01, 60-6,294, 75-363, 75-364, 75-366, 75-369.03, 75-392, and 75-393, Revised Statutes Supplement, 2017; to adopt and update references to certain federal provisions relating to low-speed vehicles, motor vehicle and trailer registration, handicapped or disabled parking permits, the International Registration Plan, operators' licenses, persons handling source documents, hazardous materials, motor carrier and hazardous material regulations and their enforcement, maximum gross weight limits, and the unified carrier

registration plan and agreement; to increase fines for violations of motor carrier statutes and regulations; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 901. Introduced by Bostelman, 23; Albrecht, 17; Brewer, 43; Briese, 41; Clements, 2; Erdman, 47; Friesen, 34; Geist, 25; Groene, 42; Halloran, 33; Hilgers, 21; Hughes, 44; Kolterman, 24; Linehan, 39; Lowe, 37; Murante, 49; Thibodeau, 6.

A BILL FOR AN ACT relating to aeronautics; to amend section 3-404, Revised Statutes Supplement, 2017; to require the Director of Aeronautics to consult with the Military Department in certain structure permitting decisions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 902. Introduced by Bostelman, 23; Albrecht, 17; Brewer, 43; Briese, 41; Clements, 2; Ebke, 32; Erdman, 47; Friesen, 34; Geist, 25; Groene, 42; Halloran, 33; Hilgers, 21; Hughes, 44; Kolterman, 24; Linehan, 39; Lowe, 37; Thibodeau, 6.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to documents which may be withheld from the public; and to repeal the original section.

LEGISLATIVE BILL 903. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to aging services; to amend sections 81-2225, 81-2242, 81-2248, 81-2250, 81-2252, 81-2253, 81-2254, 81-2255, 81-2258, 81-2260, and 81-2264, Reissue Revised Statutes of Nebraska; to change provisions relating to reimbursement; to change provisions relating to the Long-Term Care Ombudsman Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 904. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Credit Services Organization Act; to amend section 45-804, Reissue Revised Statutes of Nebraska; to prohibit the charging of certain fees; and to repeal the original section.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 270CA. Introduced by Kolowski, 31.

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 amend Article VII, section 1:

VII-1 The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of ~~three~~^{five} and twenty-one years. The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof.

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 change the requirement for the Legislature to provide for free instruction in the common schools by lowering the beginning age from five years to three years.

For

Against.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 565A. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 565, One Hundred Fifth Legislature, Second Session, 2018.

LEGISLATIVE BILL 295A. Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 295, One Hundred Fifth Legislature, Second Session, 2018.

AMENDMENT(S) - Print in Journal

Senator McCollister filed the following amendment to LB350:
AM1497

- 1 1. On page 3, strike beginning with the underscored comma in line 14
- 2 through "law" in line 15; and in line 16 strike "the order does not
- 3 restore" and insert "he or she should consult with an attorney regarding
- 4 the effect of the order on".
- 5 2. On page 4, line 26, after the underscored semicolon insert "or";
- 6 in line 28 strike "; or" and insert an underscored period; and strike
- 7 lines 29 and 30.

Senator Kolterman filed the following amendment to LB439:
AM1487

(Amendments to Standing Committee amendments, AM1013)

- 1 1. Insert the following new section:
- 2 Sec. 10. This act becomes operative on July 1, 2019.
- 3 2. On page 3, line 18, strike the new matter.
- 4 3. Renumber the remaining section accordingly.

Senator Wayne filed the following amendment to LB399:

AM1507

1 1. On page 3, line 23, strike "2018" and insert "2019".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Watermeier name added to LB611.
Senator Crawford name added to LB681.
Senator Crawford name added to LB682.
Senator Crawford name added to LB683.
Senator Crawford name added to LB685.
Senator Quick name added to LB687.
Senator McDonnell name added to LB690.
Senator Brewer name added to LB712.
Senator Erdman name added to LB718.
Senator Crawford name added to LB735.
Senator Blood name added to LB807.
Senator Vargas name added to LB807.
Senator Briese name added to LB829.
Senator Halloran name added to LB829.
Senator Howard name added to LB857.
Senator Watermeier name added to LB871.

VISITORS

Visitors to the Chamber were Bud Neel from Wayne; former Senator Dave Bloomfield from Hoskins; Molly Triggs from UNO; members of the American Legislative Exchange Council; and Wes Fisher and Shelby Emmett.

RECESS

At 11:54 a.m., on a motion by Senator Murante, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Ebke, Friesen, McCollister, Murante, Smith, Stinner, and Watermeier who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB845	Judiciary
LB846	Urban Affairs
LB847	Judiciary
LB848	Judiciary
LB849	Judiciary
LB850	Government, Military and Veterans Affairs
LB851	Education
LB852	Judiciary
LB853	Judiciary
LB854	Urban Affairs
LB855	Judiciary
LB856	Transportation and Telecommunications
LB857	Education
LB858	Business and Labor
LB859	Government, Military and Veterans Affairs
LB860	Transportation and Telecommunications
LB861	Appropriations
LB862	Health and Human Services
LB863	Judiciary
LB864	Appropriations
LB865	Urban Affairs
LB866	Health and Human Services
LB867	Health and Human Services
LB868	Judiciary
LB869	Judiciary
LB870	Judiciary
LB871	Appropriations
LB872	Judiciary
LB873	Urban Affairs
LB874	Urban Affairs
LB875	Judiciary

(Signed) Dan Watermeier, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 368. Senator Larson withdrew his motion, MO55, found on page 713, First Session, 2017, to reconsider the vote taken to invoke cloture.

Senator Hilkemann renewed his amendment, AM503, found on page 661 and considered on pages 679, 686, 689, 699, and 701, First Session, 2017.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

SPEAKER SCHEER PRESIDING

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 905. Introduced by Kuehn, 38; Briese, 41; Friesen, 34; Groene, 42; Hughes, 44.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1502.01, Reissue Revised Statutes of Nebraska, and section 77-1502, Revised Statutes Cumulative Supplement, 2016; to change the burden of proof for certain protests of real property valuations; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 906. Introduced by Williams, 36; Krist, 10.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-405, Revised Statutes Supplement, 2017; to change provisions relating to certain Schedule I controlled substances; and to repeal the original section.

LEGISLATIVE BILL 907. Introduced by Baker, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.36, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to a sales and use tax exemption for agricultural machinery and equipment; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 908. Introduced by Baker, 30.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend section 13-2039, Reissue Revised Statutes of Nebraska; to provide a disposal exception for tires used in a building system as prescribed; to eliminate obsolete provisions; and to repeal the original section.

LEGISLATIVE BILL 909. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-104, 60-119, 60-142.04, 60-142.05, 60-142.06, 60-309, and 60-335, Reissue Revised Statutes of Nebraska, sections 60-146, 60-148, and

60-3,190, Revised Statutes Cumulative Supplement, 2016, and sections 60-101, 60-102, 60-144, 60-149, 60-301, and 60-302, Revised Statutes Supplement, 2017; to change provisions relating to the Motor Vehicle Certificate of Title Act and the Motor Vehicle Registration Act; to define and redefine terms; to change provisions relating to assembled vehicles and kit vehicles; to provide for the branding of certificates of title as reconstructed or replica; to change an application requirement; to provide for the registering of vehicles as reconstructed or replica; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 910. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2016, and section 77-4212, Revised Statutes Supplement, 2017; to adopt the Property Tax Circuit Breaker Act; to change provisions relating to the intended funding of the Property Tax Credit Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 911. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the School District Local Option Income Surtax Act.

LEGISLATIVE BILL 912. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to schools; to provide for posting a child abuse and neglect toll-free telephone number as prescribed; and to provide for creation of a poster.

LEGISLATIVE BILL 913. Introduced by McDonnell, 5; Lowe, 37.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-934, Reissue Revised Statutes of Nebraska; to change provisions relating to assault with a bodily fluid against a public safety officer; and to repeal the original section.

NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 2102

Tuesday, January 16, 2018 1:30 p.m.

Tyler Weborg - Beginning Farmer Board
Harry Hoch - Nebraska State Fair Board
Steven Wellman - Department of Agriculture

(Signed) Lydia Brasch, Chairperson

Education

Room 1525

Tuesday, January 16, 2018 1:30 p.m.

LB737
LB857
LB771
LB778

(Signed) Mike Groene, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, January 16, 2018 1:30 p.m.

LB733
LB796

(Signed) Curt Friesen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 271. Introduced by Bostelman, 23.

WHEREAS, the Wahoo High School volleyball team won the 2017 Class C-1 State Volleyball Championship; and

WHEREAS, this is the first state championship win for the Wahoo High School Warriors' volleyball team; and

WHEREAS, the Warriors won in three sets; and

WHEREAS, Coach Trish Larson provided the leadership to cap a winning season with a state championship; 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 Wahoo High School volleyball team on winning the Class C-1 State Volleyball Championship.
2. That a copy of this resolution be sent to Wahoo High School and Coach Trish Larson.

Laid over.

LEGISLATIVE RESOLUTION 272. Introduced by Bostelman, 23.

WHEREAS, the East Butler High School football team won the 2017 Class D-1 State Football Championship; and

WHEREAS, this is the first state championship win for the East Butler High School Tigers' football team since 1989; and

WHEREAS, the Tigers won 36-14; and

WHEREAS, Coach Shawn Biltoft provided the leadership to cap a winning season with a state championship; 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 East Butler High School football team on winning the Class D-1 State Football Championship.

2. That a copy of this resolution be sent to East Butler High School and Coach Shawn Biltoft.

Laid over.

LEGISLATIVE RESOLUTION 273. Introduced by Bostelman, 23.

WHEREAS, the Bishop Neumann High School softball team won the 2017 Class C State Softball Championship; and

WHEREAS, the Bishop Neumann Cavaliers won 14-13; and

WHEREAS, Coach David Brabec provided the leadership to cap a winning season with a state championship; 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 Bishop Neumann High School softball team on winning the Class C State Softball Championship.

2. That a copy of this resolution be sent to Bishop Neumann High School and Coach David Brabec.

Laid over.

LEGISLATIVE RESOLUTION 274. Introduced by Bostelman, 23.

WHEREAS, the Yutan High School football team won the 2017 Class C-2 State Football Championship; and

WHEREAS, this is the first state championship for the Yutan Chieftains football program; and

WHEREAS, the Chieftains won 27-6; and

WHEREAS, Coach Dan Krajicek provided the leadership to cap a winning season with a state championship; 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 Yutan High School football team on winning the Class C-2 State Football Championship.
2. That a copy of this resolution be sent to Yutan High School and Coach Dan Krajcick.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Schumacher filed the following amendment to LB368:
FA83

Page 2, line 23 insert the following immediately before the period:
"during the period beginning July 1 and ending September 1 of each year"

Senator Geist filed the following amendment to LB347:
AM1513

1 1. On page 8, line 2, strike "2018" and insert "2019".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Vargas name added to LB690.
Senator Krist name added to LB871.

ADJOURNMENT

At 4:37 p.m., on a motion by Senator Hughes, the Legislature adjourned until 10:00 a.m., Tuesday, January 9, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTH DAY - JANUARY 9, 2018
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 9, 2018

PRAYER

The prayer was offered by Senator Vargas.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Friesen, Groene, Larson, and Morfeld who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 162, line 2, strike "131" and insert "241".
The Journal for the third day was approved as corrected.

The Journal for the fourth day was approved.

NOTICE OF COMMITTEE HEARING(S)
Banking, Commerce and Insurance

Room 1507

Tuesday, January 16, 2018 1:30 p.m.

LB812
LB813
LB743
LB799
LB815

(Signed) Brett Lindstrom, Chairperson

GENERAL FILE

LEGISLATIVE BILL 668. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 669. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 275. Introduced by Riepe, 12.

WHEREAS, Linda Richards has been a member of the Ralston Public Schools Board of Education for 22 years; and

WHEREAS, Linda currently serves as vice president of the school board and previously served as president of the board in 2005, 2007, 2009, and 2011; and

WHEREAS, Linda was awarded the 2013 Award of Achievement and the Ann Mactier Leadership for Learning Award in 2015 by the Nebraska Association of School Boards for her service; and

WHEREAS, the Nebraska Association of School Boards represents school boards across the State of Nebraska and works to improve public education; and

WHEREAS, Linda Richards completed her two-year term as president of the Nebraska Association of School Boards in November 2017.

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

1. That the Legislature expresses its appreciation for the service Linda Richards has provided, not only as president of the Nebraska Association of School Boards, but also as a member of the Ralston Public Schools Board of Education.

2. That a copy of this resolution be sent to Linda Richards and the Nebraska Association of School Boards.

Laid over.

NOTICE OF COMMITTEE HEARING(S)

Urban Affairs

Room 1510

Tuesday, January 16, 2018 1:30 p.m.

LB756
LB865
LB719

LB748
LB765
LB873

(Signed) Justin Wayne, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 914. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2016; to allow an income tax credit for certain long-term care insurance policy premiums; and to repeal the original section.

LEGISLATIVE BILL 915. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,179.01 and 60-6,179.02, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to using a handheld wireless communication device while driving a motor vehicle and texting or using a handheld mobile telephone while driving a commercial motor vehicle; to define and redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 916. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to employment; to amend sections 48-1205, 48-1206, 48-1207, 48-1208, and 48-1209, Reissue Revised Statutes of Nebraska, and section 48-1228, Revised Statutes Cumulative Supplement, 2016; to prohibit retaliation under the Nebraska Wage Payment Collection Act and the Wage and Hour Act as prescribed; to provide for a private right of action; to provide powers for the Commissioner of Labor; to harmonize provisions; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 229. Title read. Considered.

Speaker Scheer requested to pass over LB229.

LEGISLATIVE BILL 350. Title read. Considered.

Senator McCollister withdrew his amendment, AM382, found on page 678, First Session, 2017.

Senator McCollister offered his amendment, AM1497, found on page 212.

The McCollister amendment was adopted with 35 ayes, 1 nay, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 1 nay, 10 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 130. Title read. Considered.

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

LEGISLATIVE BILL 304. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 399. Title read. Considered.

Senator Wayne offered his amendment, AM1507, found on page 213.

The Wayne amendment was adopted with 37 ayes, 0 nays, and 12 present and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, and 10 present and not voting.

LEGISLATIVE BILL 135. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, and 11 present and not voting.

LEGISLATIVE BILL 81. Title read. Considered.

SPEAKER SCHEER PRESIDING

Senator Erdman offered the following amendment:

FA84

Amend the bill to read all fees for handgun certification be paid for by the State of Nebraska.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 917. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Community College Gap Assistance Program Act; to amend section 85-2002, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to eligibility; to redefine a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 918. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to economic development; to amend sections 77-5714, 77-5719.01, 81-1203, and 81-1204, Reissue Revised Statutes of Nebraska, section 77-27,188, Revised Statutes Cumulative Supplement, 2016, and sections 77-5725 and 77-5735, Revised Statutes Supplement, 2017; to change the Nebraska Advantage Rural Development Act and the Nebraska Advantage Act as prescribed; to change provisions relating to job training grants; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 919. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to law; to amend sections 81-1204, 81-1210.02, 85-1539, and 85-1540, Reissue Revised Statutes of Nebraska, and sections 77-2715.07, 77-2716, 77-2717, 77-2734.03, 77-2912, and 77-3806, Revised Statutes Cumulative Supplement, 2016; to adopt the Student Loan Repayment Tax Credit Act; to change provisions relating to a child and dependent care tax credit, adjustments to income, job training grants, and internship grants; to provide a sunset date for the Nebraska Job Creation and Mainstreet Revitalization Act; to create the Nebraska Integrated Education and Training Grant Program; to state intent; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 920. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to a child and dependent care tax credit; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 921. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2121, Reissue Revised Statutes of Nebraska, and section 81-2102, Revised Statutes Supplement, 2017; to define a term; to create a licensing exception for farm building construction as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 922. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to health care coverage; to amend section 4-110, Reissue Revised Statutes of Nebraska; to adopt the All Kids Health Care Program Act; to provide an exemption from verification of lawful presence as prescribed; and to repeal the original section.

LEGISLATIVE BILL 923. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to immunity; to amend sections 53-180.05 and 53-181, Revised Statutes Cumulative Supplement, 2016, and section 28-470, Revised Statutes Supplement, 2017; to provide immunity for certain law enforcement agency employees as prescribed; to define a term; to change penalty provisions for certain violations relating to or committed by minors or persons who are mentally incompetent; and to repeal the original sections.

LEGISLATIVE BILL 924. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to health and human services; to amend sections 13-1801, 23-1821, 28-907, 28-929, 28-929.01, 28-930, 28-931, 28-931.01, 28-934, 38-122, 38-131, 38-1201, 38-1202, 38-1203, 38-1204, 38-1205, 38-1208, 38-1209, 38-1210, 38-1211, 38-1213, 38-1215, 38-1216, 38-1219, 38-1221, 38-1224, 38-1225, 38-1226, 38-1228, 38-1229, 38-1232, 38-1233, 38-1234, 38-1237, 38-2518, 38-2519, 38-2521, 48-115, 71-507, 71-509, 71-8226, 71-8227, 71-8249, and 71-8251, Reissue Revised Statutes of Nebraska, section 13-303, Revised Statutes Cumulative Supplement, 2016, and sections 38-1217 and 38-1218, Revised Statutes Supplement, 2017; to change provisions relating to the form of credentials and criminal background checks pursuant to the Uniform Credentialing Act; to change licensure and continuing competency requirements under the Occupational Therapy Practice Act; to add, change, and eliminate provisions relating to the Emergency Medical Services Practice Act; to define and redefine terms; to change provisions relating to licensure; to provide, change, and eliminate duties of the Board of Emergency Medical Services and the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 925. Introduced by Pansing Brooks, 28; Hilgers, 21; Howard, 9; Scheer, 19; Wishart, 27.

A BILL FOR AN ACT relating to criminal law; to amend sections 28-320.01, 28-707, and 29-110, Reissue Revised Statutes of Nebraska; to change certain penalty provisions relating to sexual assault of a child in the third degree and child abuse; to change provisions relating to time limitations for prosecution of visual depiction of sexually explicit conduct and sexually explicit acts; and to repeal the original sections.

LEGISLATIVE BILL 926. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Motor Vehicle Registration Act; to amend section 60-3,185, Reissue Revised Statutes of Nebraska; to exempt all members of the United States Armed Forces on active duty from motor vehicle taxes; and to repeal the original section.

LEGISLATIVE BILL 927. Introduced by Howard, 9.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-2258, 29-2260.02, 43-247.02, 43-258, 43-281, 43-284, and 43-290.01, Reissue Revised Statutes of Nebraska, and sections 43-254, 43-286, and 43-2,129, Revised Statutes Supplement, 2017; to change duties of the Office of Probation Administration, the Division of Children and Family Services of the Department of Health and Human Services, the Department of Health and Human Services, and juvenile courts relating to juveniles in out-of-home placement as prescribed; to change provisions relating to placement, care, custody, evaluations, and payment of costs; to harmonize provisions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Wednesday, January 17, 2018 1:30 p.m.

LB672
LB675
LB676
LB692
LB841

(Signed) Laura Ebke, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Groene name added to LB759.
Senator Chambers name added to LB891.

VISITORS

Visitors to the Chamber were Ilene Grossman and Tim Anderson from the Council of State Governments; and Clint Howard and Monique Ramāge from Burbank, CA.

RECESS

At 11:45 a.m., on a motion by Senator Briese, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Bolz, Linehan, Morfeld, Pansing Brooks, Smith, and Wayne who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB876	Education
LB877	Education
LB878	Judiciary
LB879	Judiciary
LB880	Urban Affairs
LB881	Revenue
LB882	Revenue
LB883	Judiciary
LB884	Revenue
LB885	Revenue
LB886	Judiciary
LB887	Government, Military and Veterans Affairs
LB888	Education
LB889	Urban Affairs
LB890	Urban Affairs
LB891	Health and Human Services
LB892	Judiciary
LB893	Agriculture
LB894	Health and Human Services
LB895	Transportation and Telecommunications
LB896	Transportation and Telecommunications
LB897	Judiciary
LB898	Education
LB899	Revenue
LB900	Transportation and Telecommunications
LB901	Transportation and Telecommunications
LB902	Government, Military and Veterans Affairs
LB903	Health and Human Services
LB904	Banking, Commerce and Insurance

LB905 Revenue
 LB906 Judiciary
 LB907 Revenue
 LB908 Natural Resources
 LB909 Transportation and Telecommunications
 LB910 Revenue
 LB911 Revenue
 LB912 Education
 LB913 Judiciary
 LR270CA Education

(Signed) Dan Watermeier, Chairperson
 Executive Board

BILLS ON FIRST READING

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

LEGISLATIVE BILL 928. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-122.01, Reissue Revised Statutes of Nebraska, and section 48-122, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to compensation paid upon the death of an employee; and to repeal the original sections.

LEGISLATIVE BILL 929. Introduced by Brewer, 43; Bostelman, 23; Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend section 23-3211, Revised Statutes Supplement, 2017; to state the rights of members of the Nebraska National Guard; to provide for confidentiality of Nebraska National Guard members' residential addresses; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 81. The Erdman amendment, FA84, found in this day's Journal, was renewed.

Senator Chambers offered the following motion:

MO157

Bracket until April 18, 2018.

Senator Chambers withdrew his motion to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Senator Chambers requested a record vote on the Erdman amendment.

Voting in the affirmative, 16:

Brasch	Erdman	Halloran	Linehan
Briese	Friesen	Hilgers	Murante
Chambers	Geist	Hughes	Riepe
Clements	Groene	Larson	Watermeier

Voting in the negative, 26:

Albrecht	Crawford	Kolowski	Quick	Williams
Baker	Ebke	Kolterman	Scheer	Wishart
Blood	Hansen	Lowe	Thibodeau	
Bolz	Harr	McCollister	Vargas	
Bostelman	Hilkemann	McDonnell	Walz	
Brewer	Howard	Pansing Brooks	Wayne	

Present and not voting, 5:

Kuehn	Lindstrom	Schumacher	Smith	Stinner
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Excused and not voting, 2:

Krist	Morfeld
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The Erdman amendment lost with 16 ayes, 26 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 276. Introduced by Scheer, 19.

WHEREAS, Nebraska and Taiwan have participated in a sister-state relationship since 1983; and

WHEREAS, Nebraska and Taiwan share the same values of freedom, democracy, rule of law, and respect for human dignity; and

WHEREAS, the Taipei Economic and Cultural Office in Denver, on behalf of the Taiwan Province Governor, presented a proclamation to the Governor of Nebraska to celebrate the one hundred fiftieth anniversary of Nebraska's Statehood; and

WHEREAS, Taiwan is the tenth largest global trading partner for the United States and is the seventh largest export market for American agricultural products; and

WHEREAS, the United States is the second largest trading partner for Taiwan, and Taiwan is Nebraska's eleventh largest trading partner for both imports and exports; and

WHEREAS, negotiations for a fair and reciprocal Bilateral Trade Agreement (BTA) between Taiwan and the United States are an important step toward further strengthening bilateral trade, thereby increasing Nebraska's exports to Taiwan and promoting two-way investment.

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

1. That Nebraska supports Taiwan's mature and vital democracy and celebrates the thirty-fifth anniversary of Nebraska's sister-state relationship with Taiwan.

2. That the Legislature acknowledges the rich history of friendship and welcomes close economic and trade relations between Nebraska and Taiwan.

3. That copies of this resolution be sent to United States Secretary of State Rex W. Tillerson and Director General Jerry S. Chang of the Taipei Economic and Cultural Office in Denver.

Laid over.

NOTICE OF COMMITTEE HEARING(S)

Business and Labor

Room 2102

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

LB784

LB858

LB806

LB712

(Signed) Joni Albrecht, Chairperson

Judiciary

Room 1113

Thursday, January 18, 2018 1:30 p.m.

LB678

LB776

LB818

LB819

LB878

Friday, January 19, 2018 1:30 p.m.

G. Randall Hansen - Crime Victim's Reparations Committee
Thomas Parker - Crime Victim's Reparations Committee
LB696
LB697
LB792
LB816
LB883

Wednesday, January 24, 2018 1:30 p.m.

LB670
LB673
LB689
LB708
LB714
LB774
LB781

Thursday, January 25, 2018 1:30 p.m.

LB688
LB729
LB780
LB810
LB849

(Signed) Laura Ebke, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 930. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-249, Reissue Revised Statutes of Nebraska, and section 43-2,129, Revised Statutes Supplement, 2017; to prohibit use of juveniles' statements as prescribed; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 931. Introduced by Howard, 9; Kuehn, 38; Lindstrom, 18.

A BILL FOR AN ACT relating to opiates; to amend sections 28-101 and 28-401.01, Revised Statutes Supplement, 2017; to provide requirements for prescriptions; and to repeal the original sections.

LEGISLATIVE BILL 932. Introduced by Howard, 9; Kuehn, 38; Lindstrom, 18.

A BILL FOR AN ACT relating to the Nebraska Correctional Health Care Services Act; to amend section 83-4,157, Reissue Revised Statutes of Nebraska; to provide duties for the medical director of the Department of Correctional Services relating to discharge planning as prescribed; and to repeal the original section.

LEGISLATIVE BILL 933. Introduced by Lindstrom, 18; Howard, 9; Kuehn, 38.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-101 and 28-401.01, Revised Statutes Supplement, 2017; to provide requirements for certain prescriptions; and to repeal the original sections.

LEGISLATIVE BILL 934. Introduced by Kuehn, 38; Howard, 9; Lindstrom, 18.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-101 and 28-401.01, Revised Statutes Supplement, 2017; to require identification to take receipt of dispensed opiates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 935. Introduced by Legislative Performance Audit Committee: Kuehn, 38, Chairperson; Briese, 41; Geist, 25; Linehan, 39; Scheer, 19; Stinner, 48; Watermeier, 1.

A BILL FOR AN ACT relating to tax incentives; to amend sections 77-5201 and 77-5901, Reissue Revised Statutes of Nebraska, sections 77-1101, 77-27,187, 77-27,187.02, 77-2901, 77-5701, 77-5723, 77-5801, 77-6301, and 77-6303, Revised Statutes Cumulative Supplement, 2016, and section 77-5904, Revised Statutes Supplement, 2017; to authorize the sharing of certain taxpayer information; to require certain application materials, reporting, and data retention relating to certain tax incentive programs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 936. Introduced by Legislative Performance Audit Committee: Kuehn, 38, Chairperson; Briese, 41; Geist, 25; Linehan, 39; Scheer, 19; Stinner, 48; Watermeier, 1.

A BILL FOR AN ACT relating to the Legislative Performance Audit Act; to amend section 50-1209, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to tax incentive performance audits; to define terms; and to repeal the original section.

LEGISLATIVE BILL 937. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Tax Equalization and Review

Commission; to amend section 77-5013, Revised Statutes Cumulative Supplement, 2016; to change filing fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 938. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 77-4602, Reissue Revised Statutes of Nebraska; to change provisions relating to the transfer of excess General Fund net receipts to the Cash Reserve Fund; to provide a limit for such transfers; to repeal the original section; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 81. Senator Wayne offered the following amendment:

AM1520

1 1. Insert the following new section:

2 Sec. 2. Section 69-2407, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 69-2407 A certificate issued in accordance with section 69-2404
5 shall contain the holder's name, address, and date of birth and the
6 effective date of the certificate. A certificate shall authorize the
7 holder to acquire any number of handguns during the period that the
8 certificate is valid. The certificate shall be valid throughout the state
9 and shall become invalid ~~five~~ three years after its effective date. If
10 the chief of police or sheriff who issued the certificate determines that
11 the applicant has become disqualified for the certificate under section
12 69-2404, he or she may immediately revoke the certificate and require the
13 holder to surrender the certificate immediately. Revocation may be
14 appealed pursuant to section 69-2406.

15 2. Renumber the remaining section and correct the repealer
16 accordingly.

SPEAKER SCHEER PRESIDING

Senator Wayne moved for a call of the house. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Wayne requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 36:

Blood	Ebke	Howard	Quick	Watermeier
Bolz	Erdman	Hughes	Scheer	Wayne
Bostelman	Friesen	Kolowski	Schumacher	Williams
Brasch	Geist	Kuehn	Smith	Wishart
Brewer	Halloran	Linehan	Stinner	
Briese	Harr	McCollister	Thibodeau	
Chambers	Hilgers	McDonnell	Vargas	
Crawford	Hilkemann	Pansing Brooks	Walz	

Voting in the negative, 10:

Albrecht	Clements	Hansen	Larson	Murante
Baker	Groene	Kolterman	Lowe	Riepe

Present and not voting, 1:

Lindstrom

Excused and not voting, 2:

Krist Morfeld

The Wayne amendment was adopted with 36 ayes, 10 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Larson offered the following motion:

MO158

Indefinitely postpone.

Senator Hansen moved for a call of the house. The motion prevailed with 32 ayes, 2 nays, and 15 not voting.

Senator Larson requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 27:

Albrecht	Erdman	Hilgers	Linehan	Thibodeau
Bostelman	Friesen	Hughes	Lowe	Watermeier
Brasch	Geist	Kolterman	Murante	Williams
Briese	Groene	Kuehn	Riepe	
Clements	Halloran	Larson	Scheer	
Ebke	Harr	Lindstrom	Smith	

Voting in the negative, 17:

Baker	Crawford	Kolowski	Quick	Wishart
Blood	Hansen	McCollister	Vargas	
Brewer	Hilkemann	McDonnell	Walz	
Chambers	Howard	Pansing Brooks	Wayne	

Present and not voting, 2:

Schumacher Stinner

Absent and not voting, 1:

Bolz

Excused and not voting, 2:

Krist Morfeld

The Larson motion to indefinitely postpone prevailed with 27 ayes, 17 nays, 2 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 100. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 321. Title read. Considered.

Senator Schumacher offered the following amendment:

FA85

Insert the word "firearm" after the word university on page 2, line 18.

Senator Chambers requested a record vote on the Schumacher amendment.

Voting in the affirmative, 40:

Albrecht	Clements	Hansen	Lindstrom	Scheer
Baker	Crawford	Hilgers	Linehan	Schumacher
Blood	Ebke	Hilkemann	Lowe	Stinner
Bolz	Erdman	Howard	McCollister	Thibodeau
Bostelman	Friesen	Hughes	Murante	Vargas
Brasch	Geist	Kolowski	Pansing Brooks	Walz
Brewer	Groene	Kolterman	Quick	Wayne
Briese	Halloran	Kuehn	Riepe	Williams

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Harr Larson Smith Wishart

Excused and not voting, 4:

Krist McDonnell Morfeld Watermeier

The Schumacher amendment was adopted with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following motion:

MO159

Bracket until April 18, 2018.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 42:

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

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Krist McDonnell Smith
Larson Morfeld Watermeier

The Chambers motion to bracket failed with 0 ayes, 42 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 939. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3502 and 77-3503, Reissue Revised Statutes of Nebraska, and section 77-3506, Revised Statutes Cumulative Supplement, 2016; to redefine terms; to provide a homestead exemption for certain dwelling complexes located on military installations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 940. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Civic and Community Center Financing Act; to amend sections 13-2703 and 13-2707, Revised Statutes Cumulative Supplement, 2016, and section 13-2705, Revised Statutes Supplement, 2017; to redefine terms; to expand the use of the Civic and Community Center Financing Fund; to change grant request limits as prescribed; to provide a restriction on the sale of certain municipally owned centers; to provide priority for certain grant applications as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 941. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the motor vehicle fuel tax; to amend section 66-489.02, Revised Statutes Supplement, 2017; to change the calculation of the tax on the average wholesale price of gasoline as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 942. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to cities of the metropolitan class; to adopt the Metropolitan Port Authority Act; to provide a duty for the Revisor of Statutes; and to provide an operative date.

LEGISLATIVE BILL 943. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to budget limitations; to amend section 13-518, Revised Statutes Supplement, 2017; to redefine a term; to provide an operative date; to repeal the original section; and to declare an emergency.

NOTICE OF COMMITTEE HEARING(S)

General Affairs

Room 1510

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

Steven F. Anderson - Nebraska Arts Council
Jeffrey Galyen - State Racing Commission
Alec Gorynski - Nebraska Arts Council
John Hiller - State Electrical Board
Ellen Hornady - Nebraska Arts Council
Darrel J. Huenergardt - Nebraska Arts Council
Dennis Patrick Lee - State Racing Commission
Sue Roush - Nebraska Arts Council
Heather Schneider - Nebraska Arts Council
LB724

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

LB747
LB679

(Signed) Tyson Larson, Chairperson

RESOLUTION(S)**LEGISLATIVE RESOLUTION 277.** Introduced by Schumacher, 22.

WHEREAS, the Constitutional Convention of 1787 was initially convened to make revisions to the Articles of Confederation and this Convention decided instead to discard the Articles of Confederation entirely and create a new system of government; and

WHEREAS, the Constitution of the United States has served as the cornerstone of American liberty since its creation in 1787 and was the first written national constitution to set forth a system of separation of powers and to ensure that the rights of minority groups could not be easily trampled upon by the will of the majority; and

WHEREAS, despite turmoil and grave political and economic concerns, including, without limitation, the contested presidential elections of 1800, 1876, and 2000, the Civil War, and the Great Depression, a subsequent constitutional convention has not been held since 1787; and

WHEREAS, the Constitution has proven to be resilient and has been amended only twenty-seven times during the course of its two-hundred-thirty-year history; and

WHEREAS, Article V of the Constitution requires the Congress of the United States to convene a constitutional convention upon the application of two-thirds of the several states; and

WHEREAS, in 1893, the Legislature passed a joint resolution to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1903, the Legislature passed House Roll No. 167 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1907, the Legislature passed Senate File No. 313 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1911, the Legislature passed a joint resolution to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1949, the Legislature passed Legislative Resolution 32 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1965, the Legislature passed Legislative Resolution 42 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1978, the Legislature passed Legislative Resolution 152 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 1979, the Legislature passed Legislative Resolution 106 to make an application to the Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, in 2010, the Legislature passed Legislative Resolution 538 to make an application to Congress to call a convention to propose specified amendments to the Constitution; and

WHEREAS, a Legislature may not bind a future Legislature for the very reason that in the course of human events new priorities emerge, what represented positive adaptation at a particular time ceases to do so, and the will of the people of the State of Nebraska changes; and

WHEREAS, nearly all the members of the Legislature who voted for the foregoing resolutions are deceased and over ninety-five percent of the members of the current Legislature have not had an opportunity to consider or take a position on any of the foregoing resolutions, indeed may not even be aware of their contents; and

WHEREAS, a litany of such resolutions have been passed by the legislatures of the several states and are currently pending, awaiting in some cases only the action of a few states;

WHEREAS, action by the current legislature of a small number of states could, in a very short period of time, irrevocably trigger one or more conventions to be convened, perhaps concurrently, without the concurrence of two-thirds of the current legislatures; and

WHEREAS, the powers and limitations on a convention of the states or multiple conventions being held simultaneously or jointly are unclear and uncertain; and

WHEREAS, a constitutional convention convened by Congress could make sweeping changes to the Constitution and threaten the liberty of future generations of Nebraskans; and

WHEREAS, the Legislature is aware that other state legislatures have made applications requesting that Congress convene a constitutional convention; and

WHEREAS, the issues raised and contents of the respective resolutions may no longer be germane to the present times; and

WHEREAS, the Legislature no longer supports its previous resolutions which requested that Congress convene a constitutional convention, most of which were adopted over three decades ago, and does not wish for these resolutions to be included with similar applications which were made by other state legislatures.

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

1. That each resolution passed by the Legislature described in this resolution and any additional resolutions previously passed by the Legislature petitioning Congress to call for a constitutional convention under Article V of the Constitution of the United States shall be rescinded upon passage of this resolution.

2. That the members of the Legislature urge each state legislature which has previously requested Congress to convene a constitutional convention to withdraw such applications.

3. That the Clerk of the Legislature prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the United States House of Representatives, and each member of Nebraska's congressional delegation.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR277 was referred to the Reference Committee.

AMENDMENT(S) - Print in Journal

Senator Ebke filed the following amendment to LB321:
FA86

On page 2, line 18, insert after "university", the words "school sponsored" prior to the word "firearm".

Senator Bostelman filed the following amendment to LB321:
FA87

On page 2, line 18 insert after the word "university", "shooting sports team"; and strike the word "firearm".

ADJOURNMENT

At 4:33 p.m., on a motion by Senator Howard, the Legislature adjourned until 9:30 a.m., Wednesday, January 10, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - JANUARY 10, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 10, 2018

PRAYER

The prayer was offered by Father Ryan Lewis, Daniel Gross Catholic High School, Bellevue.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:30 a.m., President Foley presiding.

The roll was called and all members were present except Senator Bostelman who was excused; and Senators Friesen, McCollister, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

NOTICE OF COMMITTEE HEARING(S)
Banking, Commerce and Insurance

Room 1507

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

LB683
LB736
LB741

(Signed) Brett Lindstrom, Chairperson

Judiciary

Room 1113

Friday, January 19, 2018 1:30 p.m.

LB792 (cancel)
LB816 (cancel)
LB883 (cancel)

Friday, January 19, 2018 1:30 p.m.

LB710
LB847
LB848

(Signed) Laura Ebke, Chairperson

GENERAL FILE

LEGISLATIVE BILL 181. Considered.

Senator Quick asked unanimous consent to pass over LB181. No objections. So ordered.

MOTION(S) - Withdraw LB823

Senator Hughes offered his motion, MO156, found on page 182, to withdraw LB823.

The Hughes motion to withdraw the bill prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

EASE

The Legislature was at ease from 9:46 a.m. until 9:56 a.m.

MOTION - Escort Governor

Senator Halloran moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators Clements, Kolowski, Lowe, Watermeier, and Wishart to serve on said committee.

STATE OF THE STATE ADDRESS

President Foley, Speaker Scheer, Members of the Legislature, Tribal Chairmen, Distinguished Guests, Friends, Fellow Nebraskans, and of course, our First Lady, my lovely wife Susanne—good morning!

Before I begin, I want to recognize your newest member, Senator Theresa Thibodeau of Omaha. She is a small business owner and involved with early childhood education. Her background and experience will be a great contribution to the body. I look forward to working with you, Senator.

To all the senators, congratulations on the commencement of the second session of the 105th Nebraska Legislature.

Working together is in our DNA, and is the hallmark of Nebraska's non-partisan, Unicameral Legislature. In fact, leadership and working together helped build this great state. We know this from our history.

This year marks the 100th anniversary of the end of World War I. During World War I, Nebraskans came together to raise private dollars to form a field hospital for wounded soldiers returning from the Front. Many gravely injured were treated at the "Little Nebraska" hospital.

That spirit is alive and well today. When Hurricanes Harvey and Irma battered our coast from Florida to Texas, Nebraska National Guard members answered the call and came to the aid of families and communities in need.

Nebraska National Guard members not only serve their fellow citizens, but are on the front line in the War on Terror. Last month, I visited 54 of our National Guard soldiers in Guantanamo Bay, Cuba who are helping to detain enemy combatants. Twenty-five years ago new enlistees did not expect to be deployed overseas. Today, men and women who join the National Guard not only expect to be deployed, but want to take the fight to the enemy. I am incredibly proud of them, and we salute them for their service and sacrifice.

Nebraskans have a long tradition of pulling together to help each other in good times and bad. We've built our stories right into our Capitol building as a source of inspiration.

In the spirit of cooperation, we come together each year to accomplish the priorities that matter most to Nebraskans.

Our work together is helping to grow our state and keep Nebraska the best place in the world to live, work, and raise a family.

It is not always easy, but it is important. Working together last year, we accomplished many great things.

Under Speaker Scheer's leadership, you passed a bill that protects the ability of our teachers to exercise religious freedom.

With Chairman Stinner's help, we worked on and enacted an unprecedented two budgets, so that the state can live within its means.

Senator Watermeier delivered to my desk the first pro-life legislation in several years with the "Choose Life" license plate.

Senator Friesen and Senator Murante worked with us to streamline state government and merge state agencies.

Senators Riepe, Blood, Erdman, Lowe, and Lindstrom led successful efforts to reform occupational licenses.

Senator Walz successfully championed a bill protecting injured first responders from losing their healthcare insurance.

Senator Hilgers and Senator Geist passed legislation which allows our Department of Transportation to assume responsibility for environmental reviews.

Senator Kuehn helped end the practice of allowing people to quit their jobs and turn around and claim unemployment benefits. Nebraska was one of the last states to make this change!

And Senator Wishart had a common sense bill which I signed that allows counties to protect the personal information of law enforcement officers.

Those accomplishments were not always easy—but through leadership and working together we got the job done.

This is my fourth State of the State address and our fourth year of working together on the priorities Nebraskans care about. And I'm happy to report that the state of the state is strong and growing!

Last year, Nebraska won the Governor's Cup for most economic development projects per capita of any state in the country. Nebraska had more qualified projects than North Dakota, South Dakota, and Kansas combined.

Forbes ranks Nebraska the fourth best state for business. We moved up seven spots in Chief Executive Magazine's ranking of best states for business.

Folks, this matters because when companies move here and invest, they create job opportunities for our people.

This past year, we've continued to achieve record levels of employment with over 1 million non-farm jobs and the lowest unemployment rate in our state since 1999 at 2.7 percent. And our population hit 1.92 million people for the first time ever.

These achievements are no coincidence. Senators in this chamber and the teammates in my administration work every day to grow Nebraska.

Working with you, we will continue to bring new opportunities to Nebraska. International partnerships are helping us create great-paying job opportunities for Nebraskans.

For example, we went to Canada in August to help recruit Agri-Plastics, which has created 20 new jobs in Sidney.

A new investment from Novozymes in Blair followed our 2015 visit to Denmark.

Japan is Nebraska's number one foreign direct investor. There's no better example of that than Kawasaki, which just opened their first U.S. aerospace division right here in Lincoln. Our trade mission in 2015 supported this expanded investment.

When we foster more investment by multinational businesses, we help Nebraskans like Eric Jones. Eric's been a long-time production worker for Kawasaki, and he's a great teammate who gets paid a good wage to support his wife and three children. When Kawasaki announced the aerospace expansion, he volunteered and he earned a spot as a supervisor. The company flew him to Japan for three months of training.

Eric told me Kawasaki is great for Lincoln. Besides the good-paying jobs and investment, Kawasaki supports local charities and uses local vendors. Eric and his wife Miranda are here with us today. Let's give them a warm welcome and thanks!

In Nebraska, we export over \$8 billion of goods annually.

Our work in China over the last three years helped open the door for Nebraska beef for the first time in 14 years. Beef from a Nebraska company was the first to arrive in China last summer, and I'm excited to report that over half the American beef in China now comes from Nebraska!

In the past 12 months, we have also seen Argentina reopen their market to American pork. Bulgaria signed new soybean deals with Nebraska. Vietnam opened their doors to dried distillers grains. And Japan is set to open their marketplace to American ethanol.

These successes wouldn't be possible without the great international teams at the Department of Agriculture and Department of Economic Development. Our teams are working together to grow market access and develop new partnerships. They are with us here today. Please help me thank them for their great work!

We also work hard to recruit U.S.-based businesses. The Silicon Prairie has continued to thrive. In 2016, my team and I traveled to Menlo Park, California to sell Facebook on Nebraska. Last year, Facebook broke ground on a 970,000 square foot campus in Papillion, which will create hundreds of jobs and hundreds of millions of dollars of investment.

Costco selected Fremont as the home for their first-ever chicken processing operation. A team effort closed the deal with the help of state agencies, business leaders, and elected officials.

Other major investments have come from companies such as Hudl, Becton Dickinson, Cargill, Evonik and our ethanol producers. These are just a few of the over 200 projects that state, regional, and local economic developers worked on in our efforts to grow Nebraska last year.

These investments in Nebraska help Eric Jones, his family, and so many other families to have an opportunity to work hard and invest in their communities.

We can recruit business because we have a great story to tell here in Nebraska. Throughout the year, our team works every day to make government run at the speed of business by making it more effective, more efficient, and more customer-focused.

Our Center of Operational Excellence is working with state agencies to eliminate waste and speed up service. With this philosophy, we are turning around environmental permits in a single day, reducing backlogs for tax credit applications, and more.

We are also delivering licenses faster, so we can connect medical professionals to great job opportunities here in our state. For example, we reduced the nurse licensing processing time from 96 days in November 2015 to an average of just 30 days in December 2017.

Changes like this are helping Nebraska put people to work more quickly. Shalah Shannon recently moved to Bellevue with her husband who is in the Air Force. She applied for her nurse license in December and received it in 15 days.

This is just one of many great stories about how we are improving our services. Running an operationally excellent organization is a team effort. Please help me recognize the Center of Operational Excellence team for all their great work. They are here today.

To complement the work we are doing in the area of process improvement, my agencies are also cutting red tape. In July, we launched a review aimed at cutting unnecessary regulation to streamline state government.

In November, state agencies came back with initial recommendations. Today, Senator Murante is introducing legislation at my request which will help eliminate unnecessary red tape. Thank you, Senator Murante!

All of this great work we've done together sets a tone that Nebraska is open for business from manufacturing to technology to agriculture.

But we also have challenges. The first of which is working on the budget. This is our top priority.

In October, the Nebraska Economic Forecasting Advisory Board reduced the revenue forecast. While our state's economy once again has the wind at its back, revenues continue to fall short of the board's expectations.

We've been preparing for this. We've reduced our state workforce by 500, or about 4 percent, and eliminated 1,500 open positions. In preparation for budget cuts, we reduced agency allotments by 2 percent over the final two quarters of the year.

Last year, working with you, we balanced the budget without raising taxes. This year, we need to do the same again.

I am proposing across-the-board reductions of 2 percent in this fiscal year and 4 percent in the next year.

Consistent with our work, I have designated priorities for funding in the budget like K-12 education, Corrections, and services to help the developmentally disabled.

I am also asking you to make new targeted investments.

We have seen a significant increase in the number of children coming into our state's child welfare system. Annually, we are up about 9 percent, or about 485 kids. That is heartbreaking.

In this budget, I am recommending an additional \$35 million to Child Welfare and Public Assistance for this year and next. We must take care of our kids.

DHHS reports that in the first seven months of 2017, parents using methamphetamine were a factor in one of every three removals of children from their homes. We have to get to the bottom of this disturbing trend and all of the other contributing factors. That's why I will be forming a new child welfare task force to determine the root causes.

We also must continue to invest in Nebraska's Department of Correctional Services. I am recommending expanding the number of corrections officers as well as reinvesting \$6 million in unspent funds back into our prisons. This will help us expand our capacity.

Additionally, thanks to action by Congress, my budget recommends new steps to protect unborn life by ensuring that federal Title X dollars are not used to fund abortion. Nebraska is a pro-life state, and our budget should reflect those values.

I look forward to working with Chairman Stinner and the entire Appropriations Committee to balance the budget.

Our next challenge has to do with taxes. Cutting and reforming taxes is key to growing Nebraska. Over the years, together, we have done the hard work needed to hold the line on taxes, but Nebraskans need and expect more.

If we are going to remain competitive and grow into the future, we must continue our efforts—no matter how difficult. The Tax Foundation ranks Nebraska's property taxes as 11th highest in the nation, which is the worst among surrounding states.

While we have provided over \$840 million in property tax relief over four years, we've all heard stories of how high property taxes are hurting Nebraskans. This fall, a farmer approached me at an event to let me know that his high property taxes had driven him to sell his farm, leave Nebraska, and move to Missouri. That's terrible. Stories like this have inspired me to continue making property tax relief a top priority.

It's an urgent need. We must help our farmers and ranchers with crushing property tax bills. We must help all Nebraskans keep more of their hard-earned money and attract more people to come to our state.

Our neighboring states are making themselves more competitive. The only surrounding state with an income tax higher than ours is Iowa, and right now Iowa Governor Kim Reynolds and their Legislature are lowering their taxes. Missouri just lowered their tax rates this month.

My team has been working tirelessly with you and a wide variety of groups throughout the summer and fall. We have to show our taxpayers that we get the message. They want tax relief.

That's why today, Senator Smith is introducing the Nebraska Property Tax Cuts and Opportunity Act. This legislation will serve as the framework for delivering tax relief this session.

Our proposal has three major components.

First, it restructures existing property tax credits as a new refundable credit on state taxes, which ensures that Nebraskans—not absentee landowners—receive the credits. It also provides for additional relief in future years when our revenue is growing. Over the next 10 years, we expect this would provide over \$4 billion in property tax relief for ag producers and home owners. And it focuses the relief on the average Nebraska homeowner.

Second, in today's mobile economy, young people graduating from our colleges, skilled workers, and even longtime residents can up and move to lower tax states. We have the jobs and great communities. Let's also work towards an income tax system that is just as welcoming. Our proposal uses

existing tax credits to achieve a permanent reduction in the state's uncompetitive individual and corporate income tax rates. This will provide relief for our families and small businesses. Right now, 90 percent of individual income taxes paid by Nebraskans are at that top individual rate, and 90 percent of Nebraska businesses pay at the top individual rate.

Finally, our proposal provides for an additional \$10 million dollars over two years for workforce development.

Folks, we can bring relief to Nebraska's families and businesses and help continue to grow our state. It is critical that we get the job done on tax relief this session.

Senator Smith and I will continue to work with senators and other groups seeking tax relief. We all need to be open to compromise. Tax relief will need to be a bipartisan effort, and it will be something we all do together for the good of our entire state.

Let's roll up our sleeves and get the job done.

We have our work cut out for us, but I have no doubt we're up to the challenge. When we are here in the State Capitol, let's do what's right for the hardworking people of Nebraska like Eric and Miranda Jones.

To make that happen, we have to remain laser-focused on growing Nebraska. This session, that means: Cutting red tape, balancing the budget, and delivering tax relief.

Nebraskans expect results.

As demonstrated during time of war, in the midst of natural disaster, and on the walls of our State Capitol, the character of our people is to work together. In doing so, we will continue to make Nebraska the best place in the world to live, work, and raise a family.

It's hard to believe that this will be the last session for several of our most experienced members who are term-limited or retiring.

They have collectively made significant contributions to the state.

Please join me in recognizing Senators Baker, Brasch, Harr, Krist, Larson, Schumacher, and Smith for their work over the last several years.

When the University of Nebraska named Scott Frost as the next head football coach, he offered a formula for winning that applies here: "a lot of good people that care about this place working really hard, it's toughness, it's dedication, it's work ethic, and that's what Nebraska is, that's what the people of Nebraska are..."

Those words are valuable to our service here in the Capitol. As we turn the page and open the next chapter in our work, there will almost certainly be principled disagreements and heated debates.

But for over 150 years, Nebraskans have always come together for a cause bigger than themselves. We will draw upon their strength this year to address the priorities of our people.

God Bless you in your work, God Bless America, and God Bless the great State of Nebraska.

The committee escorted Governor Pete Ricketts from the Chamber.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 944. Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2017, LB268A, section 3; Laws 2017, LB327, sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 37, 38, 39, 40, 45, 49, 50, 52, 54, 55, 57, 59, 62, 68, 69, 70, 71, 73, 82, 85, 86, 87, 92, 96, 97, 98, 100, 101, 102, 103, 104, 106, 107, 108, 109, 110, 112, 116, 125, 126, 128, 130, 132, 134, 136, 137, 138, 139, 140, 145, 146, 147, 148, 149, 150, 152, 153, 154, 155, 162, 163, 165, 166, 168, 169, 170, 172, 173, 176, 177, 182, 186, 189, 190, 192, 195, 196, 199, 201, 204, 208, 210, 211, 213, 214, 215, 216, 218, 221, 222, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240, 241, 242, 243, 244, 247, 249, 250, 251, 255, 260, 263, 265, and 272; Laws 2017, LB329, sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18; Laws 2017, LB330, sections 25 and 42; and Laws 2017, LB512A, section 2; to define terms; to provide, change, and eliminate appropriations for operation of state government, state aid, postsecondary education, and capital construction; to provide for transfers of funds; to require reports; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 945. Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend section 81-1121, Reissue Revised Statutes of Nebraska, sections 49-14,140, 61-224, 81-2,162.27, and 84-1227, Revised Statutes Cumulative Supplement, 2016, sections 37-327.02, 59-1608.04, 71-7611, and 81-3714, Revised Statutes Supplement, 2017, and Laws 2017, LB331, sections 3, 4, and 11; to provide for transfers of funds; to change transfer provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 946. Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 2017; to provide for a transfer; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 947. Introduced by Smith, 14; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-4211 and 77-4602, Reissue Revised Statutes of Nebraska, sections 77-202, 77-693, 77-801, 77-1238, 77-1248, 77-2715.03, 77-2715.07, 77-2734.02, and 81-1201.21, Revised Statutes Cumulative Supplement, 2016, and section 77-4212, Revised Statutes Supplement, 2017; to adopt the Nebraska Property Tax Cuts and Opportunities Act; to eliminate exemptions under the Personal Property Tax Relief Act; to change income tax rates; to eliminate credits under the Property Tax Credit Act; to change provisions relating to certain General Fund transfers; provide for certain transfers; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 948. Introduced by Murante, 49; at the request of the Governor.

A BILL FOR AN ACT relating to state government; to amend sections 13-2710, 37-1280, 42-922, 44-213.02, 44-213.03, 46-734, 46-1136, 46-1501, 57-239, 58-709, 61-206, 69-2105, 71-7622, 73-306, 77-414, 77-1301.01, 77-1346, 77-4023, 77-4111, 77-4307, 81-8,221, 81-12,150, 81-1612, 84-907.04, and 84-909.01, Reissue Revised Statutes of Nebraska, sections 13-1907, 13-2103, 13-2112, 60-495, 72-805, 76-2221, 77-702, and 77-6203, Revised Statutes Cumulative Supplement, 2016, and sections 3-158, 60-6,102, 60-6,103, 60-6,107, and 77-2703, Revised Statutes Supplement, 2017; to change and eliminate provisions relating to rules and regulations, forms, and procedural rules; to harmonize provisions; to repeal the original sections; and to outright repeal sections 44-7512, 46-1509, and 69-2505, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 949. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Nebraska Educational, Health, and Social Services Finance Authority Act; to amend sections 58-801, 58-802, 58-803, 58-804, 58-805, 58-806, 58-807, 58-811, 58-813, 58-817, 58-818, 58-820, 58-826, 58-827, 58-832, 58-835, 58-836, 58-837, 58-838, 58-841, 58-843, 58-844, 58-845, 58-846, 58-847, 58-849, 58-850, 58-851, 58-853, 58-854, 58-855, 58-856, 58-857, 58-862, 58-863, and 58-866, Revised Statutes Cumulative Supplement, 2016; to rename the act; to provide applicability of the act to cultural institutions; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 950. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

LEGISLATIVE BILL 951. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

LEGISLATIVE BILL 952. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-177, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to dismissals; and to repeal the original section.

LEGISLATIVE BILL 953. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-139, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to lump-sum settlements; and to repeal the original section.

LEGISLATIVE BILL 954. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2016; to provide refundable income tax credits to individuals who rent their primary residence as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 955. Introduced by Krist, 10.

A BILL FOR AN ACT relating to law enforcement; to amend sections 23-1701.01, 29-2264, 81-1401, 81-1403, 81-1414, and 81-1439, Reissue Revised Statutes of Nebraska; to define terms; to provide for reciprocal certification of law enforcement officers from other jurisdictions and military police officers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 956. Introduced by Howard, 9; Crawford, 45.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-901, Revised Statutes Supplement, 2017; to require application for a demonstration project allowing certain residents to purchase health care coverage as prescribed; to harmonize provisions; and to repeal the original section.

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems

Room 1525

Friday, January 19, 2018 12:00 p.m.

LB698

LB699

Randy D. Gerke - Nebraska Public Employees Retirement Systems

(Signed) Mark Kolterman, Chairperson

Revenue

Room 1524

Wednesday, January 17, 2018 1:30 p.m.

LB760

James Kuhn - Tax Equalization and Review Commission

Steven Keetle - Tax Equalization and Review Commission

Thursday, January 18, 2018 1:30 p.m.

LB881

LB882

LB884

Friday, January 19, 2018 1:30 p.m.

LB772

LB885

LB905

(Signed) Jim Smith, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, January 17, 2018 1:30 p.m.

LB786

LB825

LB827

Thursday, January 18, 2018 1:30 p.m.

LB887
LB902
LB859

(Signed) John Murante, Chairperson

Natural Resources

Room 1525

Wednesday, January 17, 2018 2:00 p.m.

LB758

Thursday, January 18, 2018 1:30 p.m.

Dennis Grennan - Nebraska Power Review Board
Scott McPheeters - Nebraska Ethanol Board
Taylor Nelson - Nebraska Ethanol Board
LB822

(Signed) Dan Hughes, Chairperson

Executive Board

Room 2102

Monday, January 22, 2018 12:00 p.m.

LB744

(Signed) Dan Watermeier, Chairperson

Health and Human Services

Room 1510

Wednesday, January 17, 2018 1:30 p.m.

Matt Wallen - Division of Children and Family Services
LB790
LB705
LB706
LB794

Thursday, January 18, 2018 1:30 p.m.

Rui Yi - Stem Cell Research Advisory Committee
 Rebecca Jane Morris - Stem Cell Research Advisory Committee
 LB687
 LB731
 LB788

Friday, January 19, 2018 1:30 p.m.

Michele R. Marsh - Foster Care Advisory Committee
 Peggy Snurr - Foster Care Advisory Committee
 LB703
 LB704
 LB732
 LB840

(Signed) Merv Riepe, Chairperson

AMENDMENT(S) - Print in Journal

Senator Watermeier filed the following amendment to LB44:
 AM1465

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Sections 1 to 8 of this act shall be known and may be
 4 cited as the Noncollecting Retailer Notice and Reporting Act.
 5 Sec. 2. For purposes of the Noncollecting Retailer Notice and
 6 Reporting Act:
 7 (1) Department means the Department of Revenue;
 8 (2) Noncollecting retailer means a retailer that sells taxable items
 9 to Nebraska purchasers and does not collect Nebraska sales or use tax. A
 10 retailer that does collect Nebraska sales or use tax is not a
 11 noncollecting retailer regardless of whether the retailer is obligated to
 12 collect the tax or voluntarily collects the tax; and
 13 (3) Taxable item means any tangible or intangible property, product,
 14 service, or other item that is subject to tax under subsection (1) of
 15 section 77-2703.
 16 Sec. 3. A noncollecting retailer shall be subject to the
 17 Noncollecting Retailer Notice and Reporting Act if:
 18 (1) Its total sales of taxable items to Nebraska purchasers exceeded
 19 one hundred thousand dollars in the previous or current calendar year; or
 20 (2) It sold taxable items to Nebraska purchasers in two hundred or
 21 more separate transactions in the previous or current calendar year.
 22 Sec. 4. A noncollecting retailer shall notify Nebraska purchasers
 23 that sales or use tax is due on purchases of taxable items made from the
 24 noncollecting retailer and that the State of Nebraska requires the
 25 purchaser to remit any tax due either by filing a sales or use tax return
 26 or by paying the tax through the individual income tax return that

27 coincides with the calendar year in which the purchase was made.

1 Sec. 5. (1) A noncollecting retailer shall send a notification to
2 all Nebraska purchasers by January 31 of each year showing the total
3 amount paid by the purchaser for purchases of taxable items made from the
4 noncollecting retailer in the previous calendar year and such other
5 information as the department may require by rule and regulation. The
6 notification shall include, if available, the date of each purchase, the
7 amount of each purchase, and a brief description of the taxable item
8 purchased. The notification shall also include the name of the
9 noncollecting retailer.

10 (2) The notification shall state, in fourteen-point, boldface type,
11 that (a) the State of Nebraska requires sales or use tax to be paid on
12 purchases of taxable items made by the purchaser from the noncollecting
13 retailer, (b) any tax due must be remitted either by filing a sales or
14 use tax return or by paying the tax through the individual income tax
15 return that coincides with the calendar year in which the purchase was
16 made, and (c) any purchaser who fails to remit the tax due shall be
17 subject to penalties under Nebraska law.

18 (3) The notification shall be sent separately to all Nebraska
19 purchasers by first-class mail and shall not be included with any other
20 shipments. The notification shall include the words "Important Tax
21 Document Enclosed" on the exterior of the mailing.

22 Sec. 6. (1) A noncollecting retailer shall submit an annual report
23 to the department on such forms as are provided or approved by the
24 department showing the total amount paid by Nebraska purchasers for
25 purchases of taxable items made from the noncollecting retailer in the
26 previous calendar year. The annual report shall be submitted on or before
27 March 1 of each year.

28 (2) The department may require a noncollecting retailer to submit
29 the annual report electronically if the noncollecting retailer's total
30 sales of taxable items to Nebraska purchasers during the previous
31 calendar year exceeded one hundred thousand dollars.

1 (3) A noncollecting retailer that fails to submit the annual report
2 required in this section shall be subject to a penalty of ten thousand
3 dollars unless the noncollecting retailer shows reasonable cause for such
4 failure.

5 Sec. 7. The department may adopt and promulgate rules and
6 regulations to carry out the Noncollecting Retailer Notice and Reporting
7 Act.

8 Sec. 8. The Noncollecting Retailer Notice and Reporting Act
9 terminates on the later of July 1, 2018, or the first day of the first
10 calendar quarter after a controlling court decision or federal
11 legislation abrogates the physical presence requirement of Quill Corp. v.
12 North Dakota, 504 U.S. 298 (1992).

13 Sec. 9. Section 77-2701.32, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 77-2701.32 (1) Retailer means any seller.

16 (2) To facilitate the proper administration of the Nebraska Revenue
17 Act of 1967, the following persons have the duties and responsibilities

18 of sellers for the purposes of sales and use taxes:

- 19 (a) Any person in the business of making sales subject to tax under
20 section 77-2703 at auction of property owned by the person or others;
21 (b) Any person collecting the proceeds of the auction, other than
22 the owner of the property, together with his or her principal, if any,
23 when the person collecting the proceeds of the auction is not the
24 auctioneer or an agent or employee of the auctioneer. The seller does not
25 include the auctioneer in such case;
26 (c) Every person who has elected to be considered a retailer
27 pursuant to subdivision (1) of section 77-2701.10;
28 (d) Every person operating, organizing, or promoting a flea market,
29 craft show, fair, or similar event; and
30 (e) Every person engaged in the business of providing any service
31 defined in subsection (4) of section 77-2701.16.
- 1 (3) For the proper administration of the Nebraska Revenue Act of
2 1967, the following persons do not have the duties and responsibilities
3 of a seller for purposes of sales and use taxes:
4 (a) Any person who leases or rents films when an admission tax is
5 charged under the Nebraska Revenue Act of 1967;
6 (b) Any person who leases or rents railroad rolling stock
7 interchanged pursuant to the provisions of the federal Interstate
8 Commerce Act;
9 (c) Any person engaged in the business of furnishing rooms in a
10 facility licensed under the Health Care Facility Licensure Act in which
11 rooms, lodgings, or accommodations are regularly furnished for a
12 consideration or a facility operated by an educational institution
13 established under Chapter 79 or Chapter 85 in which rooms are regularly
14 used to house students for a consideration for periods in excess of
15 thirty days; or
16 (d) Any person making sales at a flea market, craft show, fair, or
17 similar event when such person does not have a sales tax permit and has
18 arranged to pay sales taxes collected to the person operating,
19 organizing, or promoting such event.
- 20 (4)(a) This subsection becomes operative on the later of July 1,
21 2018, or the first day of the first calendar quarter after a controlling
22 court decision or federal legislation abrogates the physical presence
23 requirement of Quill Corp. v. North Dakota, 504 U.S. 298 (1992).
24 (b) A person who lacks a physical presence in this state and who
25 makes retail sales of property to purchasers in this state shall have the
26 duties and responsibilities of a seller for the purposes of sales and use
27 taxes if such person meets either of the following criteria in the
28 previous or current calendar year:
29 (i) The person made retail sales of property to purchasers in this
30 state totaling one hundred thousand dollars or more; or
31 (ii) The person made retail sales of property to purchasers in this
1 state in two hundred or more separate transactions.
2 Sec. 10. If any section in this act or any part of any section is
3 declared invalid or unconstitutional, the declaration shall not affect
4 the validity or constitutionality of the remaining portions.

5 Sec. 11. Original section 77-2701.32, Reissue Revised Statutes of
 6 Nebraska, is repealed.
 7 Sec. 12. Since an emergency exists, this act takes effect when
 8 passed and approved according to law.

GENERAL FILE

LEGISLATIVE BILL 321. Senator Chambers offered the following
 motion:
 MO162
 Bracket until April 18, 2018.

Senator Chambers moved for a call of the house. The motion prevailed with
 11 ayes, 4 nays, and 34 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 44:

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

Present and not voting, 3:

Chambers Kolowski Krist

Excused and not voting, 2:

Bostelman Watermeier

The Chambers motion to bracket failed with 0 ayes, 44 nays, 3 present and
 not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
 MO163
 Reconsider the vote taken to bracket.

SPEAKER SCHEER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 5 nays, and 26 not voting.

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

Voting in the affirmative, 3:

Chambers Harr Schumacher

Voting in the negative, 36:

Albrecht	Crawford	Hilkemann	McCollister	Vargas
Baker	Ebke	Howard	McDonnell	Walz
Blood	Erdman	Hughes	Morfeld	Williams
Bolz	Friesen	Krist	Murante	Wishart
Brasch	Geist	Kuehn	Quick	
Brewer	Halloran	Larson	Riepe	
Briese	Hansen	Lindstrom	Scheer	
Clements	Hilgers	Linehan	Thibodeau	

Present and not voting, 3:

Kolowski Lowe Pansing Brooks

Excused and not voting, 7:

Bostelman	Kolterman	Stinner	Wayne
Groene	Smith	Watermeier	

The Chambers motion to reconsider failed with 3 ayes, 36 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 957. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to Nebraska Workers' Compensation Act; to amend section 48-125, Revised Statutes Cumulative Supplement, 2016; to provide for certain payments by direct deposit, prepaid card, or similar electronic payment system; to define terms; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 958. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Massage Therapy Practice Act; to amend section 38-1707, Reissue Revised Statutes of Nebraska; to redefine a term; to provide for licensure of vehicles as massage therapy establishments; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 959. Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-1535, Reissue Revised Statutes of Nebraska, and section 32-947, Revised Statutes Supplement, 2017; to provide requirements for returning a ballot for early voting on behalf of someone else; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 960. Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1446.01, Reissue Revised Statutes of Nebraska, and sections 49-1459 and 49-14,126, Revised Statutes Cumulative Supplement, 2016; to prohibit candidate committees from making loans of money; to change provisions relating to campaign statements; to change the amount authorized for civil penalties; to authorize an order of restitution; and to repeal the original sections.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 278. Introduced by Quick, 35.

WHEREAS, Husker Harvest Days celebrated its 40th year in Grand Island on September 12th to 14th, 2017; and

WHEREAS, the show features the latest equipment, supplies, and technologies available to today's agriculture producers; and

WHEREAS, the Hall County Historical Society sponsored a discussion of the show's origins led by Doyle Hulme with additional founding participants Don Reynolds, Ken Gnadt, and Tom Corkle participating on a panel; and

WHEREAS, the Grand Island Chamber of Commerce and Dick Good, the Chamber's former executive director, envisioned a working farm show where the University of Nebraska and equipment manufacturers would exhibit and demonstrate the latest ideas and equipment; and

WHEREAS, Nebraska Farmer provided development funds and the nonprofit Agriculture Institute of Nebraska was formed to organize and run the show; and

WHEREAS, despite naysayers, financial difficulties, and other problems, the idea gained momentum and the first Husker Harvest Days was held on October 10th to 12th, 1978; and

WHEREAS, the show moved to September the following year to avoid interfering with the harvest season; and

WHEREAS, Husker Harvest Days has grown into the world's largest totally irrigated working farm show.

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

1. That the Legislature commemorates 40 years of Husker Harvest Days and congratulates its founding visionaries on the show's success.
2. That a copy of this resolution be sent to Doyle Hulme, Don Reynolds, Ken Gnadt, Tom Corkle, the Hall County Historical Society, the Nebraska Farmer, and the Agricultural Institute of Nebraska.

Laid over.

MOTION(S) - Print in Journal

Senator Chambers filed the following motion to LB321:
MO164
Indefinitely postpone.

AMENDMENT(S) - Print in Journal

Senator Larson filed the following amendment to LB469A:
AM1517

- 1 1. Strike the original section and insert the following new section:
- 2 Section 1. There is hereby appropriated (1) \$45,900 from the General
- 3 Fund for FY2018-19 and (2) \$23,950 from the General Fund for FY2019-20 to
- 4 the Department of Revenue, for Program 102, to aid in carrying out the
- 5 provisions of Legislative Bill 469, One Hundred Fifth Legislature, Second
- 6 Session, 2018.
- 7 Total expenditures for permanent and temporary salaries and per
- 8 diems from funds appropriated in this section shall not exceed \$17,600
- 9 for FY2018-19 or \$18,000 for FY2019-20.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Watermeier name added to LB747.

VISITORS

Visitors to the Chamber were Nebraska Teacher of the Year, Michelle Helt, from South Sioux City School, members of South Sioux City Chamber of Commerce, members of the South Sioux City School Board, members of Dakota City Chamber of Commerce, members of Dakota City School Board, and Dr. Chipps of Northeast Community College; and Zoie Taylor, intern for Senator Pansing Brooks.

RECESS

At 11:56 a.m., on a motion by Senator Walz, 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 Senator Bostelman who was excused; and Senators Friesen, Linehan, McCollister, Vargas, Watermeier, Wayne, and Wishart who were excused until they arrive.

PRESIDENT FOLEY PRESIDING**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB914	Revenue
LB915	Transportation and Telecommunications
LB916	Business and Labor
LB917	Education
LB918	Revenue
LB919	Revenue
LB920	Revenue
LB921	General Affairs
LB922	Health and Human Services
LB923	Judiciary
LB924	Health and Human Services
LB925	Judiciary
LB926	Revenue
LB927	Judiciary
LB928	Business and Labor
LB929	Government, Military and Veterans Affairs
LB930	Judiciary
LB931	Judiciary
LB932	Judiciary
LB933	Judiciary
LB934	Judiciary
LB935	Executive Board
LB936	Executive Board
LB937	Revenue
LB938	Appropriations
LB939	Revenue
LB940	Urban Affairs

LB941 Revenue
LB942 Urban Affairs
LB943 Government, Military and Veterans Affairs
LR277 Executive Board

(Signed) Dan Watermeier, Chairperson
Executive Board

BILLS ON FIRST READING

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

LEGISLATIVE BILL 961. Introduced by Smith, 14.

A BILL FOR AN ACT relating to relating to revenue and taxation; to amend section 77-2734.02, Revised Statutes Cumulative Supplement, 2016; to change corporate income tax rates; and to repeal the original section.

LEGISLATIVE BILL 962. Introduced by Smith, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.03, Revised Statutes Cumulative Supplement, 2016; to change individual income tax rates; and to repeal the original section.

LEGISLATIVE BILL 963. Introduced by Smith, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1311.03, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the frequency of inspections and reviews of real property for property tax purposes; and to repeal the original section.

LEGISLATIVE BILL 964. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend sections 71-919, 71-921, 71-922, and 71-1205, Reissue Revised Statutes of Nebraska; to authorize mental health professionals to take persons into emergency protective custody as prescribed; to change provisions relating to commencement of mental health board proceedings; to harmonize provisions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Wednesday, January 24, 2018 1:30 p.m.

LB781 (cancel)

Wednesday, January 24, 2018 1:30 p.m.

LB870

(Signed) Laura Ebke, Chairperson

GENERAL FILE

LEGISLATIVE BILL 368. Considered.

Senator Lowe offered the following motion:

MO161

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Lowe moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

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

Voting in the affirmative, 30:

Albrecht	Erdman	Hughes	Linehan	Scheer
Brasch	Friesen	Kolterman	Lowe	Smith
Brewer	Geist	Krist	McDonnell	Stinner
Briese	Groene	Kuehn	Morfeld	Thibodeau
Clements	Halloran	Larson	Murante	Wayne
Ebke	Hilgers	Lindstrom	Riepe	Wishart

Voting in the negative, 15:

Baker	Crawford	Hilkemann	McCollister	Walz
Blood	Hansen	Howard	Pansing Brooks	Watermeier
Bolz	Harr	Kolowski	Quick	Williams

Present and not voting, 3:

Chambers Schumacher Vargas

Excused and not voting, 1:

Bostelman

The Lowe motion to invoke cloture failed with 30 ayes, 15 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 321. Senator Ebke withdrew her amendment, FA86, found on page 241.

Senator Chambers offered his motion, MO164, found in this day's Journal, to indefinitely postpone.

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

The Chambers motion to indefinitely postpone failed with 1 aye, 28 nays, 7 present and not voting, 11 absent and not voting, and 2 excused and not voting.

Senator Chambers offered the following motion:
MO165
Reconsider the vote taken to indefinitely postpone.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 965. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1802, Reissue Revised Statutes of Nebraska; to change provisions relating to lists of real property subject to sale for delinquent taxes; and to repeal the original section.

LEGISLATIVE BILL 966. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.51, Reissue Revised Statutes of Nebraska; to provide a sales and use tax exemption relating to dark fiber; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 967. Introduced by Groene, 42.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2103, Revised Statutes Cumulative Supplement, 2016; to eliminate provisions relating to undeveloped vacant land and land outside of cities; to harmonize provisions; to repeal the original section; and to outright repeal section 18-2123, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 968. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to persons with disabilities; to amend section 68-915, Revised Statutes Cumulative Supplement, 2016; to adopt

the Disability Employment and Engagement Program Act; to change provisions relating to eligibility for the medical assistance program; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 969. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Election Act; to amend section 32-618, Reissue Revised Statutes of Nebraska; to change signature requirements for nomination of partisan candidates by petition; and to repeal the original section.

LEGISLATIVE BILL 970. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-416, Revised Statutes Supplement, 2017; to change marijuana penalties as prescribed; and to repeal the original section.

LEGISLATIVE BILL 971. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-416, Revised Statutes Supplement, 2017; to change a penalty for possession as prescribed; and to repeal the original section.

LEGISLATIVE BILL 972. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to criminal procedure; to provide for deferred judgments by courts as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 973. Introduced by Crawford, 45; Howard, 9; Vargas, 7.

A BILL FOR AN ACT relating to redistricting; to require the use of maps drawn using state-issued computer software.

LEGISLATIVE BILL 974. Introduced by Vargas, 7; Crawford, 45; Howard, 9.

A BILL FOR AN ACT relating to the Legislature; to prohibit consideration of certain factors for the purpose of drawing district boundaries as prescribed.

LEGISLATIVE BILL 975. Introduced by Howard, 9; Crawford, 45; Vargas, 7.

A BILL FOR AN ACT relating to redistricting; to adopt the Redistricting Act.

LEGISLATIVE BILL 976. Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Beginning Farmer Tax Credit Act; to amend section 77-5204, Revised Statutes Cumulative Supplement, 2016; to provide a reporting duty for the Beginning Farmer Board; and to repeal the original section.

LEGISLATIVE BILL 977. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 29-2204.02 and 29-2308, Reissue Revised Statutes of Nebraska, section 83-1,122.01, Revised Statutes Cumulative Supplement, 2016, and section 28-105, Revised Statutes Supplement, 2017; to change provisions relating to sentencing for Class IV felonies and the jurisdiction of the Board of Parole; to provide for applicability of changes; to harmonize provisions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARING(S)

General Affairs

Room 1510

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

LB921

(Signed) Tyson Larson, Chairperson

Education

Room 1525

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

LB783

LB803

LB851

LB779

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

LB888

LB912

LB898

LB718

(Signed) Mike Groene, Chairperson

Transportation and Telecommunications

Room 1113

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

LB895
LB896
LB860
LB901

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

LB900
LB769
LB671
LB711

(Signed) Curt Friesen, Chairperson

GENERAL FILE**LEGISLATIVE BILL 177.** Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 93. Title read. Considered.

Committee AM121, found on page 423, First Session, 2017, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 384. Title read. Considered.

Senator Chambers offered the following motion:
MO166
Indefinitely postpone.

SPEAKER SCHEER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Senator Lindstrom requested a roll call vote on the Chambers motion to indefinitely postpone.

Voting in the affirmative, 19:

Albrecht	Briese	Halloran	Morfeld	Thibodeau
Blood	Chambers	Harr	Pansing Brooks	Walz
Brasch	Geist	Kolowski	Quick	Wayne
Brewer	Groene	Lowe	Schumacher	

Voting in the negative, 17:

Baker	Hilkemann	Lindstrom	Scheer	Williams
Clements	Hughes	McCollister	Smith	
Ebke	Kolterman	Murante	Stinner	
Hilgers	Kuehn	Riepe	Watermeier	

Present and not voting, 7:

Bolz	Hansen	Linehan	Wishart
Friesen	Howard	Vargas	

Excused and not voting, 6:

Bostelman	Erdman	Larson
Crawford	Krist	McDonnell

The Chambers motion to indefinitely postpone prevailed with 19 ayes, 17 nays, 7 present and not voting, and 6 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 978. Introduced by Harr, 8.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1011, 25-1017, 25-1056, and 25-1558, Reissue Revised Statutes of Nebraska; to change provisions relating to garnishment; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 979. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to health occupations and professions; to amend sections 38-2047 and 38-2315, Reissue Revised Statutes of Nebraska; to authorize physician assistants and nurse practitioners to render expert opinions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 980. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,298, Revised Statutes Supplement, 2017; to provide for the issuance of permits for divisible loads of hay bales; and to repeal the original section.

LEGISLATIVE BILL 981. Introduced by Baker, 30.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-247, 43-247.02, 43-289, and 43-412, Reissue Revised Statutes of Nebraska, and section 29-1816, Revised Statutes Supplement, 2017; to change provisions relating to arraignment and placement or commitment of certain juveniles; to authorize jurisdiction by the juvenile court over certain juveniles until the age of twenty-one; to harmonize provisions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Thursday, January 18, 2018 1:30 p.m.

Dennis Roop - Stem Cell Research Advisory Committee

(Signed) Merv Riepe, Chairperson

Natural Resources

Room 1525

Friday, January 19, 2018 1:30 p.m.

Douglas Zingula - Game and Parks Commission

(Signed) Dan Hughes, Chairperson

Education

Room 1525

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

LR270CA

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

LB718 (cancel)

(Signed) Mike Groene, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 611. Placed on Select File with amendment.
ER91

1 1. On page 1, strike beginning with "amend" in line 1 through "to"
2 in line 2; and strike beginning with the semicolon in line 3 through
3 "section" in line 4.

LEGISLATIVE BILL 17. Placed on Select File.

(Signed) Anna Wishart, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Quick name added to LB747.
Senator Hilkemann name added to LB747.
Senator Groene name added to LB874.

VISITORS

The Doctor of the Day was Dr. Kip Anderson from Columbus.

ADJOURNMENT

At 4:27 p.m., on a motion by Senator Harr, the Legislature adjourned until 10:00 a.m., Thursday, January 11, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

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:

LB/LR	Committee
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

EIGHTH DAY - JANUARY 16, 2018
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 16, 2018

PRAYER

The prayer was offered by Pastor Jeff Hagaman, United Church of Christ, Crete.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Chambers, Friesen, Hansen, Murante, Stinner, Vargas, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

NOTICE OF COMMITTEE HEARING(S)
Banking, Commerce and Insurance

Room 1507

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

LB742
LB750
LB904

(Signed) Brett Lindstrom, Chairperson

Judiciary

Room 1113

Friday, January 26, 2018 1:30 p.m.

LB832
LB906

LB931
LB933
LB934
LB970
LB971

Wednesday, January 31, 2018 1:30 p.m.

LB792
LB883
LB913
LB923
LB955
LR269CA

Thursday, February 1, 2018 1:30 p.m.

LB816
LB842
LB852
LB853
LB868
LB932

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

LB845
LB863
LB879
LB795
LB826
LB972
LB785

(Signed) Laura Ebke, Chairperson

Urban Affairs

Room 1510

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

LB940
LB707
LB854
LB768
LB880

(Signed) Justin Wayne, Chairperson

MESSAGE FROM THE SECRETARY OF STATE

January 11, 2018

Senator John Murante
Chair, Government, Military and Veterans Affairs Committee
Room 1423
State Capitol
Lincoln, Nebraska 68509

Dear Senator Murante,

The purpose of this letter is to inform the honorable members of the Legislature that, as Secretary of State, I have appointed Tom Carlson, as a member from the First Congressional District, to the Nebraska Accountability and Disclosure Commission pursuant to law. This appointment is subject to legislative confirmation. It is my understanding that your Committee would conduct the confirmation hearing on this appointment. Mr. Carlson's mailing address is:

Tom Carlson
2412 Rokeby Road
Lincoln, Nebraska 68512

Mr. Carlson is a former state senator from District 38, who served two terms in the Legislature, completing his term on December 31, 2014. Tom was a financial advisor while living in Holdrege, Nebraska. He served on the Banking, Commerce and Insurance Committee, the Committee on Committees, and was chair of the Natural Resources Committee. He has been, and is, a registered Republican. Mr. Carlson and his wife Margo have moved from Holdrege, Nebraska, to Lincoln, Nebraska, in the First Congressional District. They are currently residents at their new home at 2412 Rokeby Road, Lincoln, Nebraska. Tom and Margo have changed their voter registration and their mailing address to their new residence.

The appointment was made by me pursuant to the provisions of sections 49-14,105, 49-14,110, 49-14,112, and 49-14,114 and is respectfully submitted for your consideration.

Sincerely,
(Signed) John A. Gale
Secretary of State

cc: Frank Daley, NADC
Patrick O'Donnell, Clerk of the Legislature

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 261, 262, 263, 264, 265, and 267 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 261, 262, 263, 264, 265, and 267.

MOTION(S) - Suspend Rules

Senator Kolterman offered his motion found on page 286, to suspend the rules, Rule 5, Section 15(a), to permit the introduction of a new bill, Req. 3736.

The Kolterman motion to suspend the rules prevailed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 614. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 1 nay, and 13 present and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1000. Introduced by Briese, 41.

A BILL FOR AN ACT relating to the Public Facilities Construction and Finance Act; to amend sections 13-809, 13-2531, 72-2301, and 72-2304, Reissue Revised Statutes of Nebraska; to require submission of bond measures to an election prior to issuance of bonds; to provide procedures; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1001. Introduced by Briese, 41.

A BILL FOR AN ACT relating to school finance; to require a review of the financing of schools; and to provide duties for the State Department of Education.

LEGISLATIVE BILL 1002. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to the Nebraska Film Office; to create a fund; and to provide duties for the state investment officer.

LEGISLATIVE BILL 1003. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to the Military Code; to amend section 55-160, Reissue Revised Statutes of Nebraska; to change provisions relating to military leave of absence without loss of pay; and to repeal the original section.

LEGISLATIVE BILL 1004. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to the Aging and Disability Resource Center Demonstration Project Act; to amend sections 68-1111, 68-1113, 68-1114, 68-1115, 68-1116, 68-1117, 68-1118, and 68-1119, Revised Statutes Cumulative Supplement, 2016; to rename the act; to provide for establishment of aging and disability resource centers; to eliminate references to aging and disability resource center demonstration projects; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1005. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to amend sections 23-3527 and 79-915, Reissue Revised Statutes of Nebraska, and section 23-2306, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to employer removal or withdrawal from the Retirement System for Nebraska Counties or the School Employees Retirement System of the State of Nebraska; to change provisions relating to facility participation in a retirement system under the County Employees Retirement Act; and to repeal the original sections.

LEGISLATIVE BILL 1006. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission Act; to amend section 77-5005, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to rehearings; and to repeal the original section.

LEGISLATIVE BILL 1007. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Revised Statutes Supplement, 2017; to authorize school districts to levy for facilities-related expenditures as prescribed; to authorize school districts to establish a facilities fund as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1008. Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-613, Reissue Revised Statutes of Nebraska; to change amounts of certain liquidated damages; and to repeal the original section.

LEGISLATIVE BILL 1009. Introduced by Murante, 49; Friesen, 34.

A BILL FOR AN ACT relating to roads; to amend section 39-1803, Reissue Revised Statutes of Nebraska, sections 60-4,182, 60-601, and 60-605, Revised Statutes Cumulative Supplement, 2016, and sections 39-2103 and 60-6,186, Revised Statutes Supplement, 2017; to provide a super-two rural highway classification; to define a term; to change maximum highway speed limits as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1010. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to criminal procedure; to amend section 71-942, Reissue Revised Statutes of Nebraska, and section 29-1823, Revised Statutes Supplement, 2017; to change provisions relating to competency to stand trial; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1011. Introduced by Harr, 8.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Cumulative Supplement, 2016; to provide a duty for drivers approaching certain stopped vehicles on any roadway as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1012. Introduced by Harr, 8.

A BILL FOR AN ACT relating to the Insurance Producers Licensing Act; to amend section 44-4053, Reissue Revised Statutes of Nebraska, and sections 44-3903, 44-3910, 44-4047, 44-4052, and 44-4054, Revised Statutes Cumulative Supplement, 2016; to provide procedures and requirements for a limited license for self-service storage facility operators to act as insurance producers as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1013. Introduced by Pansing Brooks, 28; Ebke, 32.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 29-2221, Reissue Revised Statutes of Nebraska; to change provisions relating to the habitual criminal enhancement; to define a term; and to repeal the original section.

LEGISLATIVE BILL 1014. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to employment; to amend sections 13-1102, 20-113, 48-1221, 48-1222, 48-1223, 48-1224, 48-1225, 48-1226, and 48-1227, Reissue Revised Statutes of Nebraska, and sections 48-1220 and 48-1228, Revised Statutes Cumulative Supplement, 2016; to name the

Discriminatory Wage Practices Act; to define a term; to eliminate obsolete provisions; to change provisions relating to wage discrimination on the basis of sex; to provide for an employer pay-practices model for self-evaluation; to provide for enforcement by the Attorney General; to provide an affirmative defense for employers as prescribed; to provide protections for employees relating to wage disclosure; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1015. Introduced by Briese, 41.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to access to public records; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1016. Introduced by Briese, 41; Brewer, 43; Erdman, 47; Halloran, 33; Lowe, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2016; to adopt the Money Transmission Fee Act; to provide income tax credits as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1017. Introduced by Krist, 10.

A BILL FOR AN ACT relating to pipelines; to amend sections 57-1101, 57-1403, 57-1405, 73-307, 75-502, 76-710.04, and 81-1701, Revised Statutes Cumulative Supplement, 2016, and section 73-507, Revised Statutes Supplement, 2017; to change and eliminate provisions relating to eminent domain; to define terms; to change provisions of the Major Oil Pipeline Siting Act; to provide, change, and eliminate provisions relating to the review and evaluation of pipeline routes; to harmonize provisions; to repeal the original sections; and to outright repeal sections 57-1501, 57-1502, and 57-1503, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 1018. Introduced by Geist, 25; Clements, 2.

A BILL FOR AN ACT relating to the Legislature; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2016; to provide for inadmissibility of audio and video recordings of certain legislative proceedings as prescribed; to require a notice regarding prohibited uses of such recordings; to change provisions relating to records that may be withheld from the public; and to repeal the original section.

LEGISLATIVE BILL 1019. Introduced by Clements, 2; Blood, 3; Crawford, 45; Murante, 49; Smith, 14; Watermeier, 1.

A BILL FOR AN ACT relating to political subdivisions; to amend section

13-1901, Reissue Revised Statutes of Nebraska; to change the boundaries of the Nebraska planning and development regions; and to repeal the original section.

LEGISLATIVE BILL 1020. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-201, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to limits on indebtedness from direct borrowing; to harmonize provisions; and to repeal the original section.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 282. Introduced by Lindstrom, 18.

WHEREAS, Josiah Howell and Simon Schreiber founded and incorporated the Pacific Mutual Life Insurance Company of California 150 years ago in Sacramento, California, on January 2, 1868, and on May 9, 1868, ceremonially issued the company's first policy to California Governor, Leland Stanford, the company's first president; and

WHEREAS, within a few decades, Pacific Mutual grew from a small west coast life insurer into a national organization based in San Francisco with multiple products and services that met the needs of customers, despite periods of widespread economic panic; and

WHEREAS, Pacific Mutual overcame the destruction of its headquarters in the 1906 San Francisco earthquake by relocating to Los Angeles, used its state-required rehabilitation plan to build a stronger organization from 1936 to the 1950s, and pursued innovative approaches for expansion after moving to Newport Beach in 1972;

WHEREAS, the company became a nationally recognized premium brand known for its customer service and financial strength as well as its whale icon;

WHEREAS, after transitioning to Pacific Life Insurance with a mutual holding company structure, the company made strategic moves to broaden its life insurance, asset management, and retirement solutions products and services, then acquired and invested in subsidiaries Pacific Life Re and Aviation Capital Group; and

WHEREAS, during the past 33 years, the Pacific Life Foundation has given more than \$100 million to nonprofits and community service efforts, reflecting the company's commitment to the communities where its employees live and work; and

WHEREAS, Pacific Life remains dedicated to fulfilling its promises and building the financial futures of hundreds of thousands of customers; and

WHEREAS, Pacific Life has been domesticated in Nebraska since 2005, opened its Omaha-based regional office the same year, and continues to be a significant investor in the Nebraska economy with more than 400 employees; and

WHEREAS, today Pacific Life celebrates its sesquicentennial anniversary and is looking forward to its next 150 years of empowering the success of communities and future generations of customers.

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

1. That the Legislature recognizes Pacific Life Insurance Company on its 150-year anniversary.
2. That a copy of this resolution be sent to the Pacific Life Insurance Company corporate headquarters.

Laid over.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 146. Placed on Select File.

(Signed) Anna Wishart, Chairperson

MOTION(S) - Print in Journal

Senator Riepe filed the following motion to LB915:

MO168

Withdraw bill.

GENERAL FILE

LEGISLATIVE BILL 96. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, and 16 present and not voting.

LEGISLATIVE BILL 193. Title read. Considered.

Committee AM221, found on page 511, First Session, 2017, was adopted with 38 ayes, 0 nays, and 11 present and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, and 9 present and not voting.

LEGISLATIVE BILL 377. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, and 8 present and not voting.

LEGISLATIVE BILL 469. Title read. Considered.

Committee AM155, found on page 521, First Session, 2017, was offered.

SENATOR LINDSTROM PRESIDING

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1021. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 2-2701, Reissue Revised Statutes of Nebraska, and sections 77-382, 77-385, 77-2701.16, 77-2704.13, and 77-2708, Revised Statutes Cumulative Supplement, 2016; to eliminate certain sales and use tax exemptions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-2704.23, 77-2704.41, 77-2704.46, and 77-2704.60, Reissue Revised Statutes of Nebraska, and sections 77-2704.36, 77-2704.64, and 77-2708.01, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 1022. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1343 and 77-5023, Reissue Revised Statutes of Nebraska, sections 77-201, 77-1363, and 77-1371, Revised Statutes Cumulative Supplement, 2016, and section 79-1016, Revised Statutes Supplement, 2017; to adopt the Irrigation Tax Act; to change the valuation of agricultural land and horticultural land for property tax purposes; to create a fund; to disburse funds to certain school districts as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1023. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-204, Reissue Revised Statutes of Nebraska, sections 77-1116, 77-27,187.02, 77-2912, 77-5208, and 77-5806, Revised Statutes Cumulative Supplement, 2016, and sections 77-5725, 77-5905, and 77-6306, Revised Statutes Supplement, 2017; to provide and change sunset dates on certain tax incentive programs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1024. Introduced by Wayne, 13; Chambers, 11.

A BILL FOR AN ACT relating to the University of Nebraska-Lincoln; to amend sections 85-1,134 and 85-1,136, Reissue Revised Statutes of

Nebraska; to change references from the Big Twelve Conference to the Big Ten Conference in provisions requiring payment of a stipend or restricting hours of participation for persons competing in intercollegiate athletics; and to repeal the original sections.

LEGISLATIVE BILL 1025. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to building codes; to amend section 71-6401, Reissue Revised Statutes of Nebraska, section 71-6404, Revised Statutes Cumulative Supplement, 2016, and section 71-6406, Revised Statutes Supplement, 2017; to create the Building Codes Advisory Committee; to provide powers and duties; to change provisions relating to local building and construction codes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1026. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to funding for highways; to amend sections 39-2203, 39-2205, 39-2209, 39-2211, 39-2212, 39-2213, 39-2216, 39-2222, 39-2223, and 39-2704, Reissue Revised Statutes of Nebraska, and sections 39-2224 and 66-4,100, Revised Statutes Supplement, 2017; to authorize issuance of highway bonds; to create a fund; to change provisions of the Nebraska Highway Bond Act and the Build Nebraska Act; to pledge revenue for the bonds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1027. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to voting rights; to amend sections 29-112, 29-113, 29-2264, 32-313, 32-1530, and 83-1,118, Reissue Revised Statutes of Nebraska, and section 32-312, Revised Statutes Supplement, 2017; to provide for the restoration of voting rights upon completion of a felony sentence or probation for a felony; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1028. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to municipalities; to adopt the Abandoned and Dilapidated Housing Act; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 1029. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to the Nebraska Uniform Power of Attorney Act; to amend section 30-4020, Reissue Revised Statutes of Nebraska; to change time for acceptance of a power of attorney; and to repeal the original section.

LEGISLATIVE BILL 1030. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-2816, Reissue Revised Statutes of Nebraska, and section 77-2703.01, Revised Statutes Cumulative Supplement, 2016; to change the sales tax sourcing rules for motor vehicles and trailers operated by public power districts; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1031. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend sections 76-2308 and 76-2321, Reissue Revised Statutes of Nebraska, and sections 76-2301, 76-2303, 76-2303.01, 76-2322, and 76-2323, Revised Statutes Cumulative Supplement, 2016; to define and redefine terms; to change provisions relating to excavation notice and marking of underground facilities; to provide for mandatory large project planning meeting notification; to provide rulemaking duties for the State Fire Marshal; to allocate locate costs; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1032. Introduced by Murante, 49.

A BILL FOR AN ACT relating to statewide presidential primary elections; to amend sections 32-101, 32-206, 32-401, 32-613, 32-614, 32-701, 32-710, and 32-809, Reissue Revised Statutes of Nebraska; to provide for statewide presidential primary elections; to change provisions relating to primary elections; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1033. Introduced by Murante, 49.

A BILL FOR AN ACT relating to learning communities; to amend sections 11-119, 13-903, 13-2202, 32-546.01, 32-567, 32-604, 32-1203, 77-1601.02, 77-1614, 77-1624, 77-1702, 77-1708, 77-1772, 77-2201, 77-2202, 79-102, 79-201, 79-2,104, 79-408, 79-413, 79-415, 79-416, 79-433, 79-452, 79-458, 79-458.01, 79-467, 79-468, 79-473, 79-4,117, 79-4,118, 79-4,120, 79-4,127, 79-527, 79-529, 79-549, 79-760.05, 79-769, 79-777, 79-850, 79-1007.05, 79-1014, 79-1074, 79-1125.01, 79-1142, 79-1210, 79-2404, and 81-1203, Reissue Revised Statutes of Nebraska, sections 13-503, 68-907, 70-651.04, 77-1704.01, 77-1736.06, 77-2704.15, 79-215, 79-233, 79-235, 79-235.01, 79-238, 79-241, 79-4,119, 79-4,121, 79-4,122, 79-4,123, 79-4,125, 79-4,126, 79-4,128, 79-528, 79-611, 79-703, 79-760.02, 79-760.03, 79-979, 79-1005, 79-1005.01, 79-1007.18, 79-1008.01, 79-1013, 79-1024, 79-1033, 79-1036, 79-1041, 79-1075, 79-1083, 79-1084, 79-1086, 79-10,143, 79-11,155, 79-1241.03, 79-1245, 79-2104, 79-2117, 79-2120, and 79-2122, Revised Statutes Cumulative Supplement, 2016, and sections 13-508, 13-511, 77-3442, 79-237, 79-407, 79-1003, 79-1007.11, 79-1009, 79-1017.01, 79-1022, and 79-10,145, Revised Statutes Supplement, 2017; to provide for termination of learning communities and the learning community coordinating council; to change authorization for early

childhood education for children in poverty, elementary learning centers, and focus schools and programs as prescribed; to provide levy authority as prescribed; to rename and change provisions of the Learning Community Reorganization Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 32-555.01, Reissue Revised Statutes of Nebraska, and sections 79-1008.02, 79-1073, and 79-10,126.01, Revised Statutes Cumulative Supplement, 2016.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 283. Introduced by Brasch, 16.

WHEREAS, Sergeant Darwin Shaw is retiring after forty years in law enforcement; and

WHEREAS, Sergeant Shaw served for twenty-one years with the Blair Police Department before moving to the Greenville County Forensics Division in Greenville, South Carolina, for the remainder of his career; and

WHEREAS, Sergeant Shaw was a loyal and dedicated investigator with a great sense of humor and optimism while on the Blair police force;

WHEREAS, when Sergeant Shaw left Blair, he hoped to retire after ten more years and play golf; and

WHEREAS, Sergeant Shaw worked as a crime scene investigator for another nineteen years; and

WHEREAS, Sergeant Shaw will leave a void that will be difficult for the Greenville County Forensics Division to fill.

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

1. That the Legislature honors Sergeant Darwin Shaw for his years of service to the citizens of Nebraska and South Carolina and congratulates him on his retirement.

2. That a copy of this resolution be sent to Sergeant Darwin Shaw.

Laid over.

LEGISLATIVE RESOLUTION 284. Introduced by Brasch, 16.

WHEREAS, Deputy Fred Carritt is retiring from the Washington County Sheriff's Office after forty-five years in law enforcement; and

WHEREAS, Deputy Carritt began his career in law enforcement as a town marshal in 1972 after learning those duties were part of the maintenance position that he had just been hired to fill by the Mead Village Board of Trustees; and

WHEREAS, former Marshal Carritt moved on to the Wahoo police force after about a year, the Blair Police Department in 1976, and then the Washington County Sheriff's Office in 1991; and

WHEREAS, while off duty in 1992, Deputy Carritt helped pull a man from a burning trailer home, saving his life; and

WHEREAS, in 1994, Deputy Carritt volunteered to be the first K-9 handler for Washington County. Local children helped raise funds for the dog and the training by going door-to-door and seeking donations; and

WHEREAS, Deputy Carritt became a school resource officer in 2001, and served as a role model for the students of Arlington and Fort Calhoun for fifteen years; and

WHEREAS, in 2016, Deputy Carritt moved into the corrections division to provide prisoner transport and jail security; and

WHEREAS, Deputy Fred Carritt will leave a void that will be difficult for the Washington County Sheriff's Office to fill.

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

1. That the Legislature honors Deputy Fred Carritt for his years of service to the citizens of Nebraska and congratulates him on his retirement.
2. That a copy of this resolution be sent to Deputy Fred Carritt.

Laid over.

LEGISLATIVE RESOLUTION 285CA. Introduced by Murante, 49.

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 amend Article VII, section 2, Article VII, section 4, and Article XIII, section 1, and repeal Article VII, section 3:

~~VII-2 The State Department of Education shall be comprised of a State Board of Education and a Commissioner of Education.~~ The State Department of Education shall have general supervision and administration of the school system of the state and of such other activities as the Legislature may direct.

~~VII-4 The Governor State Board of Education shall appoint and fix the compensation of the Commissioner of Education, who shall be the executive officer of the State Board of Education and the administrative head of the State Department of Education, and who shall have such powers and duties as the Legislature may direct. The board shall appoint all employees of the State Department of Education on the recommendation of the Commissioner of Education.~~

XIII-1 The state may, to meet casual deficits, or failures in the revenue, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrevocable until such debt is paid; Provided, that if the Legislature determines by a three-fifths vote of the members elected thereto that (1) the

need for construction of highways in this state requires such action, it may authorize the issuance of bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge any tolls to be received from such highways or it may irrevocably pledge for the term of the bonds all or a part of any state revenue closely related to the use of such highways, such as motor vehicle fuel taxes or motor vehicle license fees and (2) the construction of water retention and impoundment structures for the purposes of water conservation and management will promote the general welfare of the state, it may authorize the issuance of revenue bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge all or any part of any state revenue derived from the use of such structures; and provided further, that the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and, at the direction of the Governor, the Commissioner of Education ~~the State Board of Education~~ may issue revenue bonds to construct, purchase, or otherwise acquire, extend, add to, remodel, repair, furnish, and equip dormitories, residence halls, single or multiple dwelling units, or other facilities for the housing and boarding of students, single or married, and faculty or other employees, buildings and structures for athletic purposes, student unions or centers, and for the medical care and physical development and activities of students, and buildings or other facilities for parking, which bonds shall be payable solely out of revenue, fees, and other payments derived from the use of the buildings and facilities constructed or acquired, including buildings and facilities heretofore or hereafter constructed or acquired, and paid for out of the proceeds of other issues of revenue bonds, and the revenue, fees, and payments so pledged need not be appropriated by the Legislature, and any such revenue bonds heretofore issued by either of such boards are hereby authorized, ratified, and validated. Bonds for new construction shall be first approved as the Legislature shall provide.

Article VII, section 3, of the Constitution of Nebraska is repealed.

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 eliminate the State Board of Education and transfer the power to appoint the Commissioner of Education to the Governor and the power to issue revenue bonds to the Commissioner of Education at the direction of the Governor.

For

Against.

LEGISLATIVE RESOLUTION 286. Introduced by Krist, 10.

WHEREAS, Article XVI, section 2, of the Constitution of Nebraska prescribes a process for calling a convention to revise, amend, or change the Constitution of Nebraska.

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

1. That pursuant to Article XVI, section 2, of the Constitution of Nebraska, there shall be presented to the electors of the State of Nebraska the question of calling a state constitutional convention to revise, amend, or change Article VIII and any other revenue provisions of the Constitution of Nebraska. Any amendment proposed by the state constitutional convention shall be submitted separately to the electors of the State of Nebraska for approval or rejection when demanded by twenty-five percent of the duly qualified and elected delegates to the state constitutional convention.

2. That at the statewide general election to be held in November of 2018, the question of calling a convention shall be submitted to the electors of the State of Nebraska upon the official ballot in the following form:

"For the calling of a state constitutional convention to revise, amend, or change Article VIII and any other revenue provisions of the Constitution of Nebraska, with any amendment proposed by the state constitutional convention submitted separately to the electors for approval or rejection when demanded by twenty-five percent of the duly qualified and elected delegates to the state constitutional convention."

"Against the calling of a state constitutional convention to revise, amend, or change Article VIII and any other revenue provisions of the Constitution of Nebraska, with any amendment proposed by the state constitutional convention submitted separately to the electors for approval or rejection when demanded by twenty-five percent of the duly qualified and elected delegates to the state constitutional convention."

3. That if a majority of the electors voting for or against calling a state constitutional convention vote for the convention, the Legislature shall, at its next session, carry out the provisions of sections 49-212 to 49-238 for purposes of holding a constitutional convention and electing delegates to the constitutional convention.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 668. Placed on Select File.

LEGISLATIVE BILL 669. Placed on Select File.

(Signed) Anna Wishart, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Nebraska Retirement Systems

Room 1525

Friday, January 26, 2018 12:00 p.m.

LB700

John Conley - Nebraska Investment Council

(Signed) Mark Kolterman, Chairperson

AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to LB310:
AM1544

- 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~~ with a span of more than
- 12 sixty inches or any bridge if the vehicle axle, axle groupings, or gross
- 13 weight exceeds the limits established in subsections (2), (3), and (4) of
- 14 section 60-6,294 or weight limits established by 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.

Senator Chambers filed the following amendment to LB469:

FA89

Amend AM155

Page 1, strike lines 1-2.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Kolterman name added to LB747.

Senator Briese name added to LB747.

Senator Baker name added to LB912.

Senator Walz name added to LB912.

Senator Howard name added to LB912.

Senator Hansen name added to LB989.

Senator Geist name added to LB989.
Senator Brewer name added to LB993.
Senator Brewer name added to LB994.
Senator Baker name added to LB998.
Senator Groene name added to LR6.

ADJOURNMENT

At 11:51 a.m., on a motion by Senator Wishart, the Legislature adjourned until 9:00 a.m., Wednesday, January 17, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

NINTH DAY - JANUARY 17, 2018
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
 Wednesday, January 17, 2018

PRAYER

The prayer was offered by Senator Kolowski.

ROLL CALL

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

The roll was called and all members were present except Senators Friesen, Groene, Kuehn, Morfeld, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB982	Judiciary
LB983	Judiciary
LB984	General Affairs
LB985	Appropriations
LB986	Urban Affairs
LB987	Banking, Commerce and Insurance
LB988	Judiciary
LB989	Transportation and Telecommunications
LB990	Judiciary
LB991	Business and Labor
LB992	Judiciary
LB993	Transportation and Telecommunications
LB994	Transportation and Telecommunications
LB995	Government, Military and Veterans Affairs
LB996	Revenue

LB997 Government, Military and Veterans Affairs
LB998 Education
LB999 Education
LR281CA Health and Human Services

(Signed) Dan Watermeier, Chairperson
Executive Board

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 350. Placed on Select File.

LEGISLATIVE BILL 130. Placed on Select File.

LEGISLATIVE BILL 304. Placed on Select File.

LEGISLATIVE BILL 399. Placed on Select File with amendment.

ER92

1 1. On page 4, line 3, strike "(iv)" and insert "(iii)".

LEGISLATIVE BILL 135. Placed on Select File with amendment.

ER93

1 1. On page 1, line 3, strike "a"; and in line 4 strike "provision"

2 and insert "provisions".

(Signed) Anna Wishart, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Wednesday, January 24, 2018 1:30 p.m.

LB834

LB894

LB924

Thursday, January 25, 2018 1:30 p.m.

LB800

LB685

LB793

Friday, January 26, 2018 1:30 p.m.

LB838

LB717

LB701

LB702

(Signed) Merv Riepe, Chairperson

Judiciary

Room 1113

Thursday, January 25, 2018 1:30 p.m.

LB810 (cancel)

Thursday, January 25, 2018 1:30 p.m.

LB757

(Signed) Laura Ebke, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 271, 272, 273, 274, 275, 276, and 278 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 271, 272, 273, 274, 275, 276, and 278.

MOTION(S) - Withdraw LB915

Senator Riepe offered his motion, MO168, found on page 295, to withdraw LB915.

The Riepe motion to withdraw the bill prevailed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 469. Senator Chambers offered his amendment, FA89, found on page 303, to the committee amendment.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1034. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Child Care Licensing Act; to amend

section 71-1913, Reissue Revised Statutes of Nebraska; to change provisions relating to facility standards; and to repeal the original section.

LEGISLATIVE BILL 1035. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Stroke System of Care Act; to amend sections 71-474, 71-4204, 71-4205, and 71-4209, Revised Statutes Cumulative Supplement, 2016; to provide for designation of endovascular therapy capable stroke centers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1036. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Local Government Miscellaneous Expenditure Act; to amend section 13-2203, Reissue Revised Statutes of Nebraska; to change the expenditure limit for a recognition dinner as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1037. Introduced by Baker, 30.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend section 49-1499.03, Reissue Revised Statutes of Nebraska; to change actions required to be taken by an elected office holder of certain cities or villages or a school district relating to a potential conflict of interest; and to repeal the original section.

LEGISLATIVE BILL 1038. Introduced by Thibodeau, 6.

A BILL FOR AN ACT relating to registration of voters; to amend section 32-206, Reissue Revised Statutes of Nebraska, and section 32-304, Revised Statutes Supplement, 2017; to provide a deadline for electronic voter registration; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1039. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend section 76-1416, Reissue Revised Statutes of Nebraska; to increase the amount allowed to be required for a pet deposit; and to repeal the original section.

LEGISLATIVE BILL 1040. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Vital Statistics Act; to amend sections 71-601 and 71-601.01, Reissue Revised Statutes of Nebraska; to define a term; to provide for certificates of nonviable birth as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1041. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to foster care licensure; to amend section 71-1901, Revised Statutes Cumulative Supplement, 2016, and section 71-1904, Revised Statutes Supplement, 2017; to define a term; to require training as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1042. Introduced by Howard, 9.

A BILL FOR AN ACT relating to nail technology; to amend sections 38-1038, 38-10,128, 38-10,129, 38-10,131, 38-10,135, 38-10,142, 38-10,147, 38-10,150, 38-10,152, 38-10,153, 38-10,154, and 38-10,156, Reissue Revised Statutes of Nebraska, and section 38-10,132, Revised Statutes Supplement, 2017; to redefine a term; to change and eliminate provisions relating to licensure requirements, registration, temporary practitioners, nail technology schools, guest educators, student instructors, and transfers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1043. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-303.03, Revised Statutes Supplement, 2017; to change provisions relating to reimbursement of common and contract carriers for transportation costs associated with certain agency clients as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1044. Introduced by Krist, 10.

A BILL FOR AN ACT relating to child abuse and neglect; to amend section 28-713, Reissue Revised Statutes of Nebraska; to change duties of the Department of Health and Human Services as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1045. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2016; to adopt the Nebraska Excellence Fund Tax Credit Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1046. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to health and human services; to provide for a caseload ratio emergency as prescribed.

LEGISLATIVE BILL 1047. Introduced by Harr, 8.

A BILL FOR AN ACT relating to the Nebraska Uniform Power of Attorney Act; to amend section 30-4031, Reissue Revised Statutes of Nebraska; to

change provisions relating to banks and other financial institutions; and to repeal the original section.

LEGISLATIVE BILL 1048. Introduced by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the personal exemption credit; and to repeal the original section.

LEGISLATIVE BILL 1049. Introduced by Harr, 8.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-119.01, 60-336.01, 60-501, and 60-628.01, Revised Statutes Supplement, 2017; to redefine the term low-speed vehicle; and to repeal the original sections.

LEGISLATIVE BILL 1050. Introduced by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2016; to provide an adjustment to income for certain charitable contributions; and to repeal the original section.

LEGISLATIVE BILL 1051. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to family member petitioner visitation; to amend sections 30-1601 and 30-2201, Reissue Revised Statutes of Nebraska, and sections 42-1301, 42-1302, 42-1303, and 42-1304, Revised Statutes Supplement, 2017; to define terms; to provide, change, and transfer provisions relating to family member petitioner visitation proceedings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1052. Introduced by Pansing Brooks, 28; Baker, 30; Linehan, 39; Walz, 15.

A BILL FOR AN ACT relating to education; to require instruction as prescribed for students who exhibit characteristics of dyslexia; to provide duties for the State Board of Education; and to provide duties for teacher education programs.

LEGISLATIVE BILL 1053. Introduced by Wishart, 27; Hansen, 26; Krist, 10; McDonnell, 5; Schumacher, 22; Stinner, 48; Vargas, 7.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-1401, 50-1402, 50-1403, and 50-1404, Reissue Revised Statutes of Nebraska; to provide for a ten-year strategic plan; to restate intent; to provide powers and duties for the Legislature's Planning Committee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1054. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend sections 70-1001.01 and 70-1014, Revised Statutes Cumulative Supplement, 2016; to redefine a term; to change provisions relating to generation of electricity using wind; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1055. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to amend section 81-1201.21, Revised Statutes Cumulative Supplement, 2016; to create a fund; to provide for its use; to state intent; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1056. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to schools; to provide for a statewide system of data collection on school discipline and law enforcement referrals as prescribed; and to provide duties for the State Board of Education and school districts.

LEGISLATIVE BILL 1057. Introduced by Kuehn, 38; Howard, 9.

A BILL FOR AN ACT relating to prescription drug monitoring; to amend section 71-2454, Revised Statutes Supplement, 2017; to define and redefine terms; to harmonize provisions; and to repeal the original section.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 287. Introduced by Quick, 35.

WHEREAS, Coach Sharon Zavala began coaching volleyball at Grand Island Central Catholic High School in 1975; and

WHEREAS, Coach Zavala reached the 1,000 win mark on Saturday, October 21, 2017, in the final match of the Central Catholic Tournament; and

WHEREAS, coming into her 1000th win, the Grand Island Central Catholic Crusaders had only experienced 196 losses; and

WHEREAS, Coach Zavala went on to lead her 2017 Crusaders to finish as the runner-up in the state championship; and

WHEREAS, under Coach Zavala's leadership, the Crusaders have won nine state championships and nine runner-up finishes; and

WHEREAS, Coach Zavala unselfishly passes the credit on to her players; and

WHEREAS, the Legislature recognizes academic, athletic, and artistic achievements.

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

1. That the Legislature congratulates Coach Sharon Zavala on her success and 1000th win.
2. That a copy of this resolution be sent to Sharon Zavala and Grand Island Central Catholic High School.

Laid over.

LEGISLATIVE RESOLUTION 288. Introduced by Bolz, 29.

WHEREAS, during fiscal year 2015-16, the office of Inspector General of Nebraska Child Welfare investigated twenty-two cases of system-involved children who died or were seriously injured. Further, according to the office's 2017 Annual Report, as a result of incident reports made to the office between July 1, 2016, and June 30, 2017, seven new death investigations and three serious injury investigations were opened, including one suicide of a youth placed on alternatives to detention and one death of a state ward in a licensed group home; and

WHEREAS, on December 27, 2017, the office issued a report related to sexual abuse of state wards, youth in adoptive or guardian homes, and youth in residential placement and found fifty substantiated cases of sexual abuse; and

WHEREAS, the Legislature believes that further study and oversight of the Department of Health and Human Services is necessary to correct inadequate department procedures and policies and to prevent additional death and abuse of children in the care of the department.

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

1. That the Nebraska Child Welfare Death and Abuse Special Oversight Committee of the Legislature is created. The committee shall consist of the chairperson of the State Child and Maternal Death Review Team or his or her designee, the executive director of the Foster Care Review Office or his or her designee, the Inspector General of Nebraska Child Welfare or his or her designee, the State Court Administrator or his or her designee, the chairperson of the Health and Human Services Committee of the Legislature or his or her designee, the chairperson of the Judiciary Committee or his or her designee, and three members of the Legislature appointed by the Executive Board of the Legislative Council. The committee shall elect a chairperson and vice-chairperson from the membership of the committee.

2. That the Nebraska Child Welfare Death and Abuse Special Oversight Committee of the Legislature shall focus on children in the care of the Department of Health and Human Services which includes any child from birth to nineteen years of age for which the department has initiated a case report within the Division of Children and Family Services of the department related to founded or unfounded incidents of neglect, abuse, or both and any child from birth to nineteen years of age for which the department has initiated a case within the Office of Juvenile Services of the

department. This shall include, but not be limited to, children in alternative response, in-home-care, out-of-home-care, and congregate-care settings.

3. That the Nebraska Child Welfare Death and Abuse Special Oversight Committee of the Legislature shall study the following with respect to the Department of Health and Human Services:

a. Child deaths and abuse incident reports made alleging harm to children in the care of the department and the actions taken in response to the allegations;

b. The policies and procedures in place to ensure that the backgrounds of staff, parents, foster parents, kinship placements, guardians, and other caregivers are sufficiently screened for any history of abuse;

c. The policies relating to the training of staff to assess and mitigate risks for abuse; and

d. The status of recommendations made by the office of Inspector General of Nebraska Child Welfare.

4. That the Nebraska Child Welfare Death and Abuse Special Oversight Committee of the Legislature shall issue a report electronically with its findings and recommendations to the Legislature by December 15, 2018.

5. That the Nebraska Child Welfare Death and Abuse Special Oversight Committee of the Legislature may continue its work until the beginning of the One Hundred Sixth Legislature, First Session.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR288 was referred to the Reference Committee.

COMMITTEE REPORT(S)

Agriculture

The Agriculture 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.

Steven Wellman, Director - Department of Agriculture

Aye: 8 Albrecht, Blood, Brasch, Chambers, Halloran, Krist, Lowe, Thibodeau. Nay: 0. Absent: 0. Present and not voting: 0.

The Agriculture 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.

Tyler Weborg - Beginning Farmer Board

Aye: 8 Albrecht, Blood, Brasch, Chambers, Halloran, Krist, Lowe, Thibodeau. Nay: 0. Absent: 0. Present and not voting: 0.

The Agriculture 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.

Harry Hoch - Nebraska State Fair Board

Aye: 8 Albrecht, Blood, Brasch, Chambers, Halloran, Krist, Lowe, Thibodeau. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Lydia Brasch, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Revenue

Room 1524

Wednesday, January 24, 2018 1:30 p.m.

LB730
LB789
LB738

(Signed) Jim Smith, Chairperson

Executive Board

Room 2102

Wednesday, January 24, 2018 12:00 p.m.

LB751
LB935
LB936

Thursday, January 25, 2018 12:00 p.m.

LB777
LB837

(Signed) Dan Watermeier, Chairperson

GENERAL FILE

LEGISLATIVE BILL 469. The Chambers amendment, FA89, found on page 303 and considered in this day's Journal, to the committee amendment, was renewed.

SENATOR WATERMEIER PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Erdman Hansen

Voting in the negative, 37:

Albrecht	Ebke	Krist	Morfeld	Vargas
Baker	Friesen	Kuehn	Murante	Watermeier
Blood	Geist	Larson	Quick	Wayne
Bostelman	Groene	Lindstrom	Riepe	Williams
Brasch	Halloran	Linehan	Scheer	Wishart
Brewer	Hilgers	Lowe	Schumacher	
Briese	Hughes	McCollister	Stinner	
Clements	Kolterman	McDonnell	Thibodeau	

Present and not voting, 10:

Bolz	Crawford	Hilkemann	Kolowski	Smith
Chambers	Harr	Howard	Pansing Brooks	Walz

The Chambers amendment lost with 2 ayes, 37 nays, and 10 present and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1058. Introduced by Halloran, 33; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2; Ebke, 32; Erdman, 47; Friesen, 34; Hilgers, 21; Kolterman, 24; Larson, 40; Lowe, 37; Stinner, 48; Watermeier, 1; Wayne, 13; Williams, 36.

A BILL FOR AN ACT relating to the Constitution of the United States; to adopt the Faithful Delegate to Federal Article V Convention Act.

LEGISLATIVE BILL 1059. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to amend sections 24-231 and 43-3718, Reissue Revised Statutes of Nebraska; to prohibit certain

appropriations to the Supreme Court; to prohibit any program funded through Agency Number 5 from accepting funds from any nongovernmental source; to prohibit counties, local governments, and certain state government entities from accepting legislative appropriations under certain conditions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1060. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to public health; to amend section 76-2,120, Revised Statutes Cumulative Supplement, 2016; to adopt the Healthy Kids Act; to require tests for lead-based hazards in housing; to require disclosures to buyers and tenants; to provide a duty for the State Real Estate Commission; to provide operative dates; and to repeal the original section.

LEGISLATIVE BILL 1061. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to provide intent to appropriate funds for internship program grants as prescribed.

LEGISLATIVE BILL 1062. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to state findings and intent relating to appropriations for the Tobacco Prevention and Control Program.

LEGISLATIVE BILL 1063. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to traumatic brain injury; to amend section 60-4,115, Revised Statutes Cumulative Supplement, 2016; to provide funding to assist victims of traumatic brain injury; to provide for administration; to create a fund; to increase certain driver's license fees; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1064. Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-101 and 32-322, Reissue Revised Statutes of Nebraska; to require election commissioners and county clerks to check voter registration registers for deceased individuals as prescribed; to require the Secretary of State to check the citizenship status of registered voters and applicants for voter registration; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1065. Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-101, 32-308, 32-309, 32-315, 32-318.01, 32-321, 32-330, 32-913, 32-1002, and 32-1027, Reissue Revised Statutes of Nebraska, section 60-484.02, Revised Statutes Cumulative Supplement, 2016, and sections

32-301, 32-304, 32-312, 32-915, and 32-947, Revised Statutes Supplement, 2017; to state intent; to provide for electronic poll books; to permit confirmation of identity for purposes of voting; to provide for obtaining, using, and protecting digital images for purposes of voting; to clarify provisions relating to address confirmation; to provide powers and duties; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1066. Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-101, 32-914, and 32-1002, Reissue Revised Statutes of Nebraska, and section 32-915, Revised Statutes Supplement, 2017; to require photographic identification for purposes of voting; to provide for provisional voting; to provide for issuance of photographic identification; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1067. Introduced by Quick, 35.

A BILL FOR AN ACT relating to the Business Improvement District Act; to amend sections 19-4019 and 19-4032, Reissue Revised Statutes of Nebraska, sections 19-4015, 19-4017, 19-4017.01, 19-4018, 19-4020, 19-4021, 19-4026, 19-4027, 19-4029, 19-4029.01, 19-4029.03, 19-4029.04, 19-4029.05, and 19-4033, Revised Statutes Cumulative Supplement, 2016, and section 19-4031, Revised Statutes Supplement, 2017; to define terms; to authorize a special tourism surcharge; to authorize the use of funds for tourism promotion and marketing activities and improvements to tourism attractions; to provide for representation on district boards from local convention or visitors' bureaus; to allow business improvement districts to be formed of non-contiguous areas as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1068. Introduced by Murante, 49.

A BILL FOR AN ACT relating to elections; to amend sections 31-787, 31-793, 32-330, 32-552, 32-952, 32-956, 32-1002, 32-1303, 32-1306, 32-1309, 32-1405, 32-1407, and 32-1409, Reissue Revised Statutes of Nebraska, and section 32-915, Revised Statutes Supplement, 2017; to change provisions relating to voter registration lists, special elections by mail, recall petitions and elections, and initiative and referendum measures; to require the provision of an approved map to the election commissioner or county clerk for purposes of adjusting boundaries; to provide for seventeen-year-olds to vote using a provisional ballot in special elections as prescribed; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1069. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to schools; to amend sections 79-724 and

79-727, Reissue Revised Statutes of Nebraska; to change provisions relating to the committee on Americanism; to eliminate a penalty; to provide duties for the State Board of Education and the State Department of Education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1070. Introduced by Brewer, 43; Wayne, 13.

A BILL FOR AN ACT relating to school districts; to amend section 79-499, Revised Statutes Cumulative Supplement, 2016; to change an election requirement; and to repeal the original section.

LEGISLATIVE BILL 1071. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to public utilities; to adopt the Infrastructure Improvement and Replacement Assistance Act; and to create a fund.

MOTION(S) - Print in Journal

Senator Harr filed the following motion to LB810:

MO169

Withdraw bill.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 748. Placed on General File.

LEGISLATIVE BILL 865. Placed on General File with amendment.

AM1549

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

2 sections:

3 Section 1. Section 14-137, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 14-137 The enacting clause of all ordinances in a city of the

6 metropolitan class shall be as follows: Be it ordained by the city

7 council of the city of All ordinances of the city shall be

8 passed pursuant to such rules and regulations as the city council may

9 prescribe. Upon ~~Provided, upon~~ the passage of all ordinances the yeas

10 and nays shall be entered upon the record of the city council, and a

11 majority of the votes of all the members of the city council shall be

12 necessary to their passage. No ordinance shall be passed within a week

13 after its introduction, except the general appropriation ordinances for

14 salaries and wages. Ordinances of a general or permanent nature shall be

15 read by title on three different days unless three-fourths of the city

16 council vote to suspend this requirement, except that such requirement

17 shall not be suspended for any ordinance for the annexation of territory

18 or the redrawing of boundaries for city council election districts or

19 wards.

20 Sec. 2. Section 15-404, Reissue Revised Statutes of Nebraska, is

21 amended to read:

22 15-404 All ordinances, resolutions, or orders for the appropriation
 23 or payment of money in a city of the primary class shall require for
 24 passage or adoption the concurrence of a majority of the members elected
 25 to the city council. Ordinances of a general or permanent nature shall be
 26 ~~fully and distinctly read by title on three different days; unless the~~
 27 ~~city council votes to suspend shall dispense with this requirement rule~~
 1 by a two-thirds vote of the members, except that such requirement shall
 2 not be suspended for any ordinance for the annexation of territory or the
 3 redrawing of boundaries for city council election districts or wards
 4 ~~elected~~. No ordinance shall contain a subject which is not clearly
 5 expressed in its title. No ordinance or section thereof shall be revised
 6 or amended unless the new ordinance contains the entire ordinance or
 7 section as revised or amended, and the ordinance or section so amended
 8 shall be repealed.

9 Sec. 3. Section 16-404, Revised Statutes Cumulative Supplement,
 10 2016, is amended to read:

11 16-404 (1) All ordinances and resolutions or orders for the
 12 appropriation or payment of money in a city of the first class shall
 13 require for their passage or adoption the concurrence of a majority of
 14 all members elected to the city council. The mayor may vote on any such
 15 matter when his or her vote will provide the additional vote required to
 16 create a number of votes equal to a majority of the number of members
 17 elected to the city council, and the mayor shall, for the purpose of such
 18 vote, be deemed to be a member of the city council.

19 (2) Ordinances of a general or permanent nature in a city of the
 20 first class shall be read by title on three different days unless three-
 21 fourths of the city council members vote to suspend this requirement,
 22 except that in a city having a commission form of government such
 23 requirement may be suspended by a three-fifths majority vote. Regardless
 24 of the form of government, such requirement shall not be suspended for
 25 any ordinance for the annexation of territory or the redrawing of
 26 boundaries for city council election districts or wards. In case such
 27 requirement is suspended, the ordinances shall be read by title or number
 28 and then moved for final passage. Three-fourths of the city council
 29 members may require a reading of any such ordinance in full before
 30 enactment under either procedure set out in this section, except that in
 31 a city having a commission form of government, such reading may be
 1 required by a three-fifths majority vote.

2 (3) Ordinances in a city of the first class shall contain no subject
 3 which is not clearly expressed in the title, and, except as provided in
 4 section 19-915, no ordinance or section thereof shall be revised or
 5 amended unless the new ordinance contains the entire ordinance or section
 6 as revised or amended and the ordinance or section so amended is
 7 repealed, except that:

8 (a) For an ordinance revising all the ordinances of the city, the
 9 only title necessary shall be An ordinance of the city of,
 10 revising all the ordinances of the city. Under such title all the
 11 ordinances may be revised in sections and chapters or otherwise, may be

12 corrected, added to, and any part suppressed, and may be repealed with or
13 without a saving clause as to the whole or any part without other title;
14 and

15 (b) For an ordinance used solely to revise ordinances or code
16 sections or to enact new ordinances or code sections in order to adopt
17 statutory changes made by the Legislature which are specific and
18 mandatory and bring the ordinances or code sections into conformance with
19 state law, the title need only state that the ordinance revises those
20 ordinances or code sections affected by or enacts ordinances or code
21 sections generated by legislative changes. Under such title, all such
22 ordinances or code sections may be revised, repealed, or enacted in
23 sections and chapters or otherwise by a single ordinance without other
24 title.

25 Sec. 4. Section 17-614, Revised Statutes Supplement, 2017, is
26 amended to read:

27 17-614 (1) All ordinances and resolutions or orders for the
28 appropriation or payment of money shall require for their passage or
29 adoption the concurrence of a majority of all members elected to the city
30 council in a city of the second class or village board of trustees. The
31 mayor of a city of the second class may vote when his or her vote would
1 provide the additional vote required to attain the number of votes equal
2 to a majority of the number of members elected to the city council, and
3 the mayor shall, for the purpose of such vote, be deemed to be a member
4 of the city council. Ordinances of a general or permanent nature shall be
5 read by title on three different days unless three-fourths of the city
6 council or village board of trustees vote to suspend this requirement,
7 except that such requirement shall not be suspended for any ordinance for
8 the annexation of territory or the redrawing of boundaries for city
9 council or village board of trustees election districts or wards. In case
10 such requirement is suspended, the ordinances shall be read by title and
11 then moved for final passage. Three-fourths of the city council or
12 village board of trustees may require a reading of any such ordinance in
13 full before enactment under either procedure set out in this section.

14 (2) Ordinances shall contain no subject which is not clearly
15 expressed in the title, and, except as provided in section 19-915, no
16 ordinance or section of such ordinance shall be revised or amended unless
17 the new ordinance contains the entire ordinance or section as revised or
18 amended and the ordinance or section so amended is repealed, except that:

19 (a) For an ordinance revising all the ordinances of the city of the
20 second class or village, the title need only state that the ordinance
21 revises all the ordinances of the city or village. Under such title all
22 the ordinances may be revised in sections and chapters or otherwise, may
23 be corrected, added to, and any part suppressed, and may be repealed with
24 or without a saving clause as to the whole or any part without other
25 title; and

26 (b) For an ordinance used solely to revise ordinances or code
27 sections or to enact new ordinances or code sections in order to adopt
28 statutory changes made by the Legislature which are specific and
29 mandatory and bring the ordinances or code sections into conformance with

30 state law, the title need only state that the ordinance revises those
31 ordinances or code sections affected by or enacts ordinances or code
1 sections generated by legislative changes. Under such title, all such
2 ordinances or code sections may be revised, repealed, or enacted in
3 sections and chapters or otherwise by a single ordinance without other
4 title.

5 Sec. 5. Original sections 14-137 and 15-404, Reissue Revised
6 Statutes of Nebraska, section 16-404, Revised Statutes Cumulative
7 Supplement, 2016, and section 17-614, Revised Statutes Supplement, 2017,
8 are repealed.

(Signed) Justin Wayne, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 100. Placed on Select File.

LEGISLATIVE BILL 177. Placed on Select File with amendment.
ER94

1 1. On page 1, line 6, after the first semicolon insert "to change
2 provisions relating to".

LEGISLATIVE BILL 93. Placed on Select File.

LEGISLATIVE BILL 347. Placed on Select File.

LEGISLATIVE BILL 160. Placed on Select File.

LEGISLATIVE BILL 198. Placed on Select File.

LEGISLATIVE BILL 614. Placed on Select File.

LEGISLATIVE BILL 96. Placed on Select File.

(Signed) Anna Wishart, Chairperson

GENERAL FILE

LEGISLATIVE BILL 469. Senator Larson offered the following motion:
MO171

Reconsider the vote taken on FA89.

SENATOR HOWARD PRESIDING

Pending.

LEGISLATIVE RESOLUTION 18CA. Read. Considered.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1072. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to public lettings and contracts; to amend section 73-101.01, Reissue Revised Statutes of Nebraska; to change a preference in awarding public contracts and eliminate reciprocal preference provisions; and to repeal the original section.

LEGISLATIVE BILL 1073. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Foster Care Review Act; to amend section 43-1303, Revised Statutes Supplement, 2017; to provide for additional information relating to foster care placements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1074. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03 and 77-2715.07, Revised Statutes Cumulative Supplement, 2016; to change individual income tax brackets and rates; to impose an additional tax on certain income; to change provisions relating to an earned income tax credit; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1075. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to impose a fee on transfers of real estate; to exempt certain instruments from the fee; to provide powers and duties; to authorize refunds; and to provide an operative date.

LEGISLATIVE BILL 1076. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 76-901, Reissue Revised Statutes of Nebraska, and sections 76-903 and 77-1327, Revised Statutes Cumulative Supplement, 2016; to increase the documentary stamp tax; to provide for the use of the additional revenue; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1077. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3444, 79-458, 79-4,108, 79-1029, 79-1078, 79-1081, and 79-2404, Reissue Revised Statutes of Nebraska, sections 70-651.04, 77-1736.06, 79-528, 79-1005.01, 79-1007.18, 79-1008.01, 79-1041, 79-2104, and 79-2111, Revised Statutes Cumulative Supplement, 2016, and sections 77-3442, 79-8,142, 79-1003, 79-1015.01, and 79-1017.01, Revised Statutes

Supplement, 2017; to eliminate levy limits for school districts; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1027.01 and 79-1082, Reissue Revised Statutes of Nebraska, and sections 79-1008.02, 79-1073, and 79-10,126.01, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 1078. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the office of Inspector General of Nebraska Child Welfare; to amend sections 43-4318 and 43-4406, Revised Statutes Supplement, 2017; to require reporting of allegations of sexual abuse as prescribed; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1079. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Children's Residential Facilities and Placing Licensure Act; to amend section 71-1936, Revised Statutes Cumulative Supplement, 2016; to add and change provisions relating to reports; and to repeal the original section.

LEGISLATIVE BILL 1080. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to motor vehicles; to amend section 37-327.04, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Supplement, 2017; to provide for Wildlife Conservation Plates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1081. Introduced by Education Committee: Groene, 42, Chairperson; Ebke, 32; Kolowski, 31; Linehan, 39; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to schools; to amend sections 79-262, 79-293, 79-2,136, 79-408, 79-529, 79-760.07, 79-870, 79-1007.08, and 79-1007.09, Reissue Revised Statutes of Nebraska, sections 79-528, 79-760.06, 79-1007.06, 79-1007.07, 79-11,155, 79-2104, 79-2104.02, and 79-2117, Revised Statutes Cumulative Supplement, 2016, and section 79-1003, Revised Statutes Supplement, 2017; to require an annual financial report for learning communities; to provide penalties; to change requirements for reporting student conduct to law enforcement; to clarify residency requirements for part-time enrollment; to change provisions regarding Class IV school district boundaries; to remove certain powers of Class IV school districts; to eliminate certain reporting requirements regarding learning communities; to change a reporting date; to change provisions for priority schools as prescribed; to change provisions related to subpoena authority as prescribed; to eliminate poverty plan requirements; to eliminate limited English proficiency plan requirements; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-1014, Reissue Revised Statutes of Nebraska, and section 79-1013, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 1082. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to immigration; to require law enforcement agencies, jails, and the Nebraska State Patrol to provide notice prior to entering into agreements to enforce federal immigration law; to require law enforcement agencies and jails to provide information to the Nebraska Commission on Law Enforcement and Criminal Justice; to provide the Auditor of Public Accounts with authority to conduct audits of noncomplying law enforcement agencies, jails, political subdivisions, and the patrol; and to provide an operative date.

LEGISLATIVE BILL 1083. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1912, Reissue Revised Statutes of Nebraska; to change provisions relating to discovery in criminal cases; and to repeal the original section.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 289CA.** Introduced by Krist, 10.

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 amend Article III, section 5, and add new sections 31 and 32 to Article III:

III-5 The Legislature shall by law determine the number of members to be elected and divide the state into legislative districts as provided in section 31 of this Article. In the creation of such districts, any county that contains population sufficient to entitle it to two or more members of the Legislature shall be divided into separate and distinct legislative districts subject to section 31 of this Article, ~~as nearly equal in population as may be and composed of contiguous and compact territory~~. One member of the Legislature shall be elected from each such district. The basis of apportionment shall be the population excluding aliens, as shown by the next preceding federal census. The Legislature shall redistrict the state after each federal decennial census. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature subject to section 31 of this Article.

III-31 (1)(a) The Legislature shall not draw boundaries for a legislative district which individually or aggregately:

(i) Intentionally favor or disfavor an incumbent or a political party; or
(ii) Intentionally or effectively deny racial or language minorities the equal opportunity to participate in the political process or intentionally or effectively diminish their ability to elect representatives of their choice; and

(b) The Legislature shall draw boundaries for a legislative district which create a contiguous district.

(2) Unless compliance with the following standards conflicts with the standards in subsection (1) of this section or with federal law, the Legislature shall draw boundaries for a legislative district which:

- (a) Create a compact district;
- (b) Create a district as nearly equal in population as is practicable to all other legislative districts; and
- (c) Where feasible, create a district using existing political and geographical boundaries.

(3) The order in which the standards in subsections (1) and (2) of this section are set forth shall not be interpreted to establish any priority of one standard over another within the respective subsection.

III-32 (1)(a) Boundaries for a congressional district shall not be drawn which individually or aggregately:

- (i) Intentionally favor or disfavor an incumbent or a political party; or
- (ii) Intentionally or effectively deny racial or language minorities the equal opportunity to participate in the political process or intentionally or effectively diminish their ability to elect representatives of their choice; and
- (b) Boundaries for a congressional district shall be drawn to create a contiguous district.

(2) Unless compliance with the following standards conflicts with the standards in subsection (1) of this section or with federal law, boundaries for a congressional district shall be drawn which:

- (a) Create a compact district;
- (b) Create a district as nearly equal in population as is practicable to all other congressional districts in Nebraska; and
- (c) Where feasible, create a district using existing political and geographical boundaries.

(3) The order in which the standards in subsections (1) and (2) of this section are set forth shall not be interpreted to establish any priority of one standard over another within the respective subsection.

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 provide, change, and eliminate standards for drawing boundaries of legislative districts and provide standards for drawing boundaries of congressional districts.

For

Against.

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

Room 1507

Wednesday, January 24, 2018 1:30 p.m.

LB749
LR268

(Signed) John Murante, Chairperson

Natural Resources

Room 1525

Wednesday, January 24, 2018 1:30 p.m.

Alden Zuhlke - Environmental Quality Council
John Dilsaver - Environmental Quality Council
LB762

(Signed) Dan Hughes, Chairperson

MOTION(S) - Print in Journal

Senator Brasch filed the following motion to LB805:
MO172
Withdraw bill.

Senator Chambers filed the following motion to LB469:
MO174
Recommit to the General Affairs Committee.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Brewer name added to LR279.

VISITORS

Visitors to the Chamber were Senator Hilkemann's wife, Julie, from Omaha and Judy Stransky from Omaha; and Judy Nelson and Donna Peterson from Omaha.

The Doctor of the Day was Dr. Carol LaCroix from Omaha.

ADJOURNMENT

At 11:50 a.m., on a motion by Senator Friesen, the Legislature adjourned until 9:00 a.m., Thursday, January 18, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

TENTH DAY - JANUARY 18, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 18, 2018

PRAYER

The prayer was offered by Pastor Greg Allen-Pickett, First Presbyterian Church, Hastings.

ROLL CALL

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

The roll was called and all members were present except Senators Bolz, Stinner, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the ninth day was approved.

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

LEGISLATIVE BILL 743. Placed on General File.
LEGISLATIVE BILL 799. Placed on General File.
LEGISLATIVE BILL 812. Placed on General File.
LEGISLATIVE BILL 813. Placed on General File.
LEGISLATIVE BILL 815. Placed on General File.

(Signed) Brett Lindstrom, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Revenue

Room 1524

Thursday, January 25, 2018 1:30 p.m.

LB829
LB899

Friday, January 26, 2018 1:30 p.m.

LB728
LB804
LB684

(Signed) Jim Smith, Chairperson

COMMITTEE REPORT(S)

Revenue

The Revenue 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.

Steven Keetle - Tax Equalization and Review Commission
James Kuhn - Tax Equalization and Review Commission

Aye: 8 Brasch, Friesen, Groene, Harr, Larson, Lindstrom, Schumacher, Smith. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Jim Smith, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB1000	Government, Military and Veterans Affairs
LB1001	Education
LB1002	Appropriations
LB1003	Government, Military and Veterans Affairs
LB1004	Health and Human Services
LB1005	Nebraska Retirement Systems
LB1006	Revenue
LB1007	Revenue
LB1008	Natural Resources
LB1009	Transportation and Telecommunications
LB1010	Judiciary
LB1011	Transportation and Telecommunications
LB1012	Banking, Commerce and Insurance
LB1013	Judiciary
LB1014	Business and Labor
LB1015	Government, Military and Veterans Affairs
LB1016	Revenue
LB1017	Natural Resources
LB1018	Executive Board
LB1019	Government, Military and Veterans Affairs
LB1020	Urban Affairs

LB1021 Revenue
 LB1022 Revenue
 LB1023 Revenue
 LB1024 Business and Labor
 LB1025 Urban Affairs
 LB1026 Revenue
 LB1027 Government, Military and Veterans Affairs
 LB1028 Urban Affairs
 LB1029 Judiciary
 LB1030 Revenue
 LB1031 Transportation and Telecommunications
 LB1032 Government, Military and Veterans Affairs
 LB1033 Education
 LR285CA Education
 LR286 Executive Board

Carlson, Tom - Nebraska Accountability and Disclosure Commission -
 Government, Military and Veterans Affairs

(Signed) Dan Watermeier, Chairperson
 Executive Board

ANNOUNCEMENT(S)

Senator Brewer designates LB1054 as his priority bill.

AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB377:
 AM1454

- 1 1. Insert the following new section:
- 2 Sec. 85. This act becomes operative on January 1, 2019.
- 3 2. Renumber the remaining sections accordingly.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1084. Introduced by Briese, 41; Baker, 30;
 Brewer, 43; Erdman, 47; McDonnell, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.02, 77-2701.32, and 79-1025, Reissue Revised Statutes of Nebraska, sections 77-202, 77-382, 77-693, 77-801, 77-1116, 77-1238, 77-1248, 77-2602, 77-2701.16, 77-2701.35, 77-2704.24, 77-2715, 77-2716, 77-2717, 77-2734.01, 77-2912, and 79-1005.01, Revised Statutes Cumulative Supplement, 2016, and sections 77-2701, 77-2703, 77-2704.10, 77-27,132, 77-3446, 79-1009, 79-1015.01, 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Supplement, 2017; to adopt the

Property Tax Request Limitation Act; to provide sunset dates for the Personal Property Tax Relief Act, the New Markets Job Growth Investment Act, and the Nebraska Job Creation and Mainstreet Revitalization Act; to change and eliminate provisions relating to a tax expenditure report, the cigarette tax, the sales tax rate, sales tax on services, certain sales tax exemptions, the alternative minimum tax, the tax on certain small business corporation and limited liability company income, the distribution of tax proceeds, the base limitation, and the tax on certain extraordinary dividends and capital gains; to impose a surtax on certain individuals; to impose sales and use taxes on the sales of certain out-of-state retailers; to change the Tax Equity and Educational Opportunities Support Act; to require a review of school financing; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 77-2704.07, 77-2704.14, 77-2704.52, 77-2704.55, and 77-2715.09, Reissue Revised Statutes of Nebraska, and sections 77-2704.56, 77-2704.65, 77-2704.67, and 77-2715.08, Revised Statutes Cumulative Supplement, 2016; and to declare an emergency.

LEGISLATIVE BILL 1085. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to community development; to amend sections 18-2109 and 18-2117.01, Reissue Revised Statutes of Nebraska, and sections 18-2103 and 18-2147, Revised Statutes Cumulative Supplement, 2016; to alphabetize terms, define a new term, and provide requirements for certain redevelopment plans under the Community Development Law; to change provisions relating to tax-increment financing; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1086. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-328, Reissue Revised Statutes of Nebraska; to provide for intervention in certain proceedings involving juveniles as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1087. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Tobacco Products Tax Act; to amend section 77-4008, Reissue Revised Statutes of Nebraska; to change provisions relating to the tax on cigars, cheroots, and stogies as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1088. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to taxation and school funding; to amend sections 2-2701, 10-704, 43-2515, 77-913, 77-2701.02, 77-2704.30, 77-2704.47, 77-2715.09, 77-3444, 77-4209, 77-4211, 79-213, 79-236, 79-240, 79-246, 79-266.01, 79-2,127, 79-2,134, 79-458, 79-479, 79-498,

79-605, 79-769, 79-855, 79-856, 79-1007.05, 79-1007.08, 79-1007.10, 79-1007.15, 79-1007.16, 79-1007.21, 79-1009.01, 79-1014, 79-1021, 79-1025, 79-1029, 79-1030, 79-1031, 79-1089, 79-1090, 79-1103, 79-1125.01, 79-1142, 79-1241.01, 79-2102, 79-2103, and 79-2404, Reissue Revised Statutes of Nebraska, sections 48-818.01, 70-651.04, 77-1736.06, 77-2701.16, 77-2704.13, 77-2715.07, 77-2715.08, 77-5007, 79-101, 79-215, 79-234, 79-235, 79-235.01, 79-241, 79-499, 79-4,123, 79-528, 79-611, 79-8,137, 79-8,137.04, 79-1001, 79-1003.01, 79-1005, 79-1005.01, 79-1007.06, 79-1007.07, 79-1007.18, 79-1008.01, 79-1013, 79-10,143, 79-1140, 79-11,155, 79-1241.03, 79-1337, 79-2104, and 79-2110, Revised Statutes Cumulative Supplement, 2016, and sections 9-812, 13-508, 77-3442, 77-4212, 79-237, 79-8,142, 79-1003, 79-1007.11, 79-1009, 79-1015.01, 79-1016, 79-1017.01, 79-1022, 79-1023, 79-1027, 79-1028.01, 79-1031.01, 79-1065, and 79-1108.02, Revised Statutes Supplement, 2017; to adopt the Remote Seller Sales Tax Collection Act; to adopt the Nebraska Education Formula; to repeal certain occupation, sales, and income tax exemptions; to state intent; to change an income tax credit; to change levy limitations for school districts; to change procedures to override levy limitations for school districts; to terminate the Property Tax Credit Act; to transfer funds; to limit the applicability of and terminate the enrollment option program; to limit the applicability of and terminate the Tax Equity and Educational Opportunities Support Act; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to outright repeal sections 43-2513, 77-2704.04, 77-2704.05, 77-2704.07, 77-2704.14, 77-2704.22, 77-2704.27, 77-2704.38, 77-2704.52, 77-2704.55, 79-529, 79-977, 79-1065.02, 79-1083.01, and 79-2110.01, Reissue Revised Statutes of Nebraska, sections 77-2704.36, 77-2704.50, 77-2704.56, 77-2704.64, 77-2704.65, 77-2704.67, 79-245, 79-1041, 79-1065.01, 79-1073, and 79-10,126.01, Revised Statutes Cumulative Supplement, 2016, and section 79-10,145, Revised Statutes Supplement, 2017.

LEGISLATIVE BILL 1089. Introduced by Smith, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3505.02 and 77-3514.01, Reissue Revised Statutes of Nebraska, sections 77-376, 77-2791, 77-3501.01, 77-3506, 77-3506.02, 77-3506.03, 77-3509.01, 77-3509.02, 77-3509.03, 77-3512, 77-3513, 77-3514, 77-3516, 77-3522, and 77-3523, Revised Statutes Cumulative Supplement, 2016, and section 77-3510, Revised Statutes Supplement, 2017; to provide that certain information of the Department of Revenue is confidential; to provide for reassessment of property affected by major calamities; to change provisions relating to the treatment of refundable income tax credits; to change and eliminate provisions relating to homestead exemptions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 77-3509, Revised Statutes Cumulative Supplement, 2016; and to declare an emergency.

LEGISLATIVE BILL 1090. Introduced by Smith, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716.01, Reissue Revised Statutes of Nebraska, and section 77-2715.03, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to inflation adjustments, personal exemptions, and standard deductions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1091. Introduced by Smith, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Supplement, 2017; to update references to the Internal Revenue Code; to repeal the original section; and to declare an emergency.

GENERAL FILE**LEGISLATIVE RESOLUTION 18CA.** Considered.

Senator Chambers offered the following motion:

MO176

Bracket until April 18, 2018.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1092. Introduced by Smith, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 28-1204.04, 60-191, 60-378, 60-4,128, 60-6,244, 60-6,254, 60-6,255, 60-6,263, 60-6,279, 60-6,306, 60-6,307, 60-6,308, 60-6,313, and 69-2441, Reissue Revised Statutes of Nebraska, sections 60-104.01, 60-124, 60-309.01, 60-340, 60-3,100, 60-3,143, 60-3,187, 60-3,190, 60-463.02, 60-480, 60-4,123, 60-4,123.01, 60-4,124, 60-4,127, 60-4,182, 60-610.01, 60-639, 60-640, 60-6,226, 60-1401.28, and 60-1401.42, Revised Statutes Cumulative Supplement, 2016, and sections 60-363 and 60-6,267, Revised Statutes Supplement, 2017; to redefine autocycle and motorcycle for purposes of the Motor Vehicle Certificate of Title Act, Motor Vehicle Industry Regulation Act, Motor Vehicle Operator's License Act, Motor Vehicle Registration Act, and Nebraska Rules of the Road; to change provisions relating to the registration fee and motor vehicle fee for autocycles; to require operators or passengers of certain autocycles to wear protective helmets as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1093. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Public Counsel; to amend sections 81-8,241, 81-8,244, and 81-8,245, Revised Statutes Cumulative Supplement, 2016; to provide for an office of Inspector General of Nebraska Public Health; to provide powers and duties for the Public Counsel; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1094. Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to schools; to amend sections 79-760.01, 79-760.02, and 79-760.03, Revised Statutes Cumulative Supplement, 2016; to change provisions for academic content standards; to provide for model measurable academic content standards covering financial literacy and entrepreneurship; to change school district duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1095. Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1704.01, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the information included in certain tax notices and receipts; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1096. Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to state government; to amend sections 48-193, 48-194, 48-195, 48-196, 48-197, 48-1,108, 81-8,224, 81-8,239.02, and 81-1021, Reissue Revised Statutes of Nebraska; to change provisions relating to workers' compensation claims and tort claims against the state, the State Self-Insured Liability Fund, and state vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1097. Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1837, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to treasurer's tax deeds; and to repeal the original section.

LEGISLATIVE BILL 1098. Introduced by Hilgers, 21.

A BILL FOR AN ACT relating to the County Purchasing Act; to amend section 23-3108, Reissue Revised Statutes of Nebraska; to change dollar thresholds for certain purchasing requirements; and to repeal the original section.

LEGISLATIVE BILL 1099. Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to the Legislature; to adopt the Legislative Ethics Act.

LEGISLATIVE BILL 1100. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 46-294.03, 77-103.01, and 77-1343, Reissue Revised Statutes of Nebraska, section 77-1371, Revised Statutes Cumulative Supplement, 2016, and sections 77-1359 and 79-1016, Revised Statutes Supplement, 2017; to change the valuation of agricultural land and horticultural land as prescribed; to create the Agricultural Land Valuation Board; to eliminate provisions relating to land classifications; to harmonize provisions; to repeal the original sections; to outright repeal section 77-1363, Revised Statutes Cumulative Supplement, 2016; and to declare an emergency.

LEGISLATIVE BILL 1101. Introduced by Vargas, 7; Bolz, 29.

A BILL FOR AN ACT relating to appropriations; to state intent relating to provider rates for behavioral health services as prescribed.

LEGISLATIVE BILL 1102. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to county and city lotteries; to amend sections 9-631 and 9-648, Reissue Revised Statutes of Nebraska, and section 9-1,101, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to distribution of taxes collected, license renewals, license fees, and the tax on gross proceeds; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1103. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1022, Revised Statutes Supplement, 2017; to provide for a minimum amount of state aid to be distributed to each local system; and to repeal the original section.

LEGISLATIVE BILL 1104. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1344, Reissue Revised Statutes of Nebraska, and section 77-1347, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the special valuation of agricultural or horticultural land; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1105. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to the Delayed Deposit Services Licensing Act; to amend section 45-919, Revised Statutes Supplement, 2017; to change the delayed deposit transaction loan period; and to repeal the original section.

LEGISLATIVE BILL 1106. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to property taxes; to amend sections 32-559 and 77-3444, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Supplement, 2017; to change requirements for authority for a political subdivision to exceed maximum levy provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1107. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to health and human services; to amend sections 38-1005, 38-1017, 38-1018, 38-1028, 38-1038, 38-1043, 38-1058, 38-1061, 38-1062, 38-1063, 38-1065, 38-1069, 38-1073, 38-1074, 38-1075, 38-1086, 38-1097, 38-1099, 38-10,100, 38-10,102, 38-10,103, 38-10,104, 38-10,105, 38-10,107, 38-10,108, 38-10,112, 38-10,120, 38-10,128, 38-10,129, 38-10,131, 38-10,133, 38-10,135, 38-10,142, 38-10,147, 38-10,150, 38-10,152, 38-10,153, 38-10,154, 38-10,156, 38-10,171, 71-204, and 71-208.08, Reissue Revised Statutes of Nebraska, section 71-208, Revised Statutes Cumulative Supplement, 2016, and sections 38-1066, 38-1070, and 38-10,132, Revised Statutes Supplement, 2017; to change and eliminate definitions in the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act; to eliminate provisions relating to cosmeticians, cosmetic establishments, electrology establishments, guest artists, guest body artists, students, and schools; to change licensure requirements for cosmetologists, nail technicians, instructors, and barbers; to change and eliminate operating requirements for salons and schools; to eliminate liability of managers as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal sections 38-1013, 38-1014, 38-1022, 38-1029, 38-1030, 38-1071, 38-1072, 38-1091, 38-1092, 38-1093, 38-1094, 38-1095, 38-1096, 38-10,106, and 38-10,155, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1108. Introduced by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.02, 85-1539, and 85-1540, Reissue Revised Statutes of Nebraska, sections 77-2715.07, 77-2717, 77-2734.03, 77-3604, 77-3605, 77-3606, and 81-1201.21, Revised Statutes Cumulative Supplement, 2016, and section 77-27,132, Revised Statutes Supplement, 2017; to adopt the Yes to Occupational Learning Opportunities Act and the Jobs of Tomorrow Innovation Act; to change the sales and use tax rate; to provide for distribution of tax revenue; to change the School Readiness Tax Credit Act; to create funds; to provide for school foundation aid; to provide for certain grant programs; to eliminate a grant program for internships; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 81-1210.02 and 81-1210.03, Reissue Revised Statutes of Nebraska, and section 81-1210.01, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 1109. Introduced by Harr, 8.

A BILL FOR AN ACT relating to economic development; to create the Grow Nebraska Through Quality Employment Strategic Partnership; to provide powers and duties for the partnership; and to provide a termination date.

LEGISLATIVE BILL 1110. Introduced by Vargas, 7; Morfeld, 46.

A BILL FOR AN ACT relating to schools; to amend section 79-760.06, Revised Statutes Cumulative Supplement, 2016; to require annual reporting of performance scores and classification levels; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1111. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to political subdivisions; to amend section 84-304, Revised Statutes Supplement, 2017; to adopt the Fiscal Stress Management Act; to provide powers and duties for the Auditor of Public Accounts; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1112. Introduced by Vargas, 7; Krist, 10; Pansing Brooks, 28.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-251.01, 43-260.01, 43-2404.02, and 43-2409, Reissue Revised Statutes of Nebraska, and section 43-253, Revised Statutes Supplement, 2017; to change provisions relating to placement and detention; to provide for an additional use of funds under the Community-based Juvenile Services Aid Program; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1113. Introduced by Walz, 15; Briese, 41.

A BILL FOR AN ACT relating to telecommunications and technology; to amend sections 86-577, 86-593, and 86-594, Reissue Revised Statutes of Nebraska; to provide an exception for leasing dark fiber or providing broadband, Internet, telecommunications, or video services by an agency or political subdivision of the state; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1114. Introduced by Walz, 15.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend sections 86-101 and 86-103, Reissue Revised Statutes of Nebraska; to define a term; to provide duties for certain telecommunications companies and the Public Service Commission; to provide for creation and maintenance of a statewide geographic information system map as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1115. Introduced by Murante, 49.

A BILL FOR AN ACT relating to government; to amend sections 32-540, 32-552, 32-553, 32-554, 32-555, and 79-1217.01, Reissue Revised Statutes of Nebraska, and section 23-151, Revised Statutes Cumulative Supplement, 2016; to provide requirements for establishing district boundary lines for purposes of legislative districts, Supreme Court judicial districts, and certain political subdivisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1116. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Quality Education Accountability Act; to amend sections 79-757, 79-758, and 79-760.05, Reissue Revised Statutes of Nebraska, and sections 79-760.03 and 79-760.06, Revised Statutes Cumulative Supplement, 2016; to create the Quality Education Accountability Commission and the Quality Education Accountability Office; to define terms; to change and provide powers and duties for the commission, office, and the State Board of Education as prescribed; to transfer authority for an accountability system; to harmonize provisions; and to repeal the original sections.

MOTION - Escort Chief Justice

Senator Blood moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Senators Ebke, Albrecht, Briese, Hilgers, and Quick to serve on said committee.

The committee escorted Chief Justice Michael G. Heavican to the rostrum where he delivered the following message:

Mr. President, Mr. Speaker, Members of the Legislature, fellow Justices of the Nebraska Supreme Court, and fellow Nebraskans. Thanks to you, the members of this legislative body and especially Speaker Scheer, for inviting me to address you this morning. As always, it is an honor for me to report on Judicial Branch accomplishments and to discuss the future of the courts and probation.

First, I will introduce my fellow Justices. To my immediate right is Justice Lindsey Miller-Lerman of Omaha, and to Justice Miller-Lerman's right is Justice Jeff Funke of Nebraska City.

To my immediate left is Justice William Cassel of O'Neill; and to his right is Justice Stephanie Stacy of Lincoln. Justice John Wright of Scottsbluff and Justice Max Kelch of Papillion are unable to be with us today.

Introduction

This is my 11th State of the Judiciary address. Over the past 11 years Nebraska's judges, court clerks, probation officers, and support staff have greatly expanded the services we provide to Nebraska's communities. In doing so, we have recommitted ourselves to providing equality before the law. That recommitment emphasizes compassion, sacrifice, and creativity. We are constantly asking ourselves: Is there a way to do this better? And indeed, this body has asked us to find ways to do it better.

The answer is yes -- there are always ways to do it better. That is why we now have problem-solving courts, specialized probation programs, probation-led juvenile justice supervision, the Office of Public Guardian, electronic case management, efilings and epayments, our new Access to Justice Initiatives, and our increased community outreach.

I will speak to you today about each of these programs, beginning with problem-solving courts.

Problem-Solving Courts

Problem-solving courts in Nebraska were initiated by our trial court judges. In problem-solving courts, judges personally supervise, with the aid of probation officers, convicted felons who are at high risk to reoffend and would otherwise be sent to prison. There are a variety of problem-solving courts in Nebraska. I first call your attention to Nebraska's two new Veterans Treatment Courts, which I will refer to as Veterans Courts.

Veterans Treatment Courts

Veterans courts are designed to give men and women, who have served in our armed forces and have fallen on hard times, a second chance to reclaim their rightful places as positive, contributing members of our society. Many have substance abuse or mental health issues. Veterans Courts treat these and other issues contributing to criminal behavior by utilizing intensive judicial and probation supervision and trained veteran mentors.

Veterans courts are unique in the utilization of those mentors. The mentors in these courts are fellow veterans who, similar to our judges, volunteer to support and encourage success for veterans court participants. These volunteer mentors work with veterans on a one-on-one basis and follow their motto: "Leave no veteran behind."

With us here today are members of our inaugural Douglas and Lancaster County Veterans Treatment Courts. Among those seated in the center balcony are judges, prosecutors, defense attorneys, veteran mentors, and other supporters of these two courts. Special recognition goes to Judge John Colborn from here in Lancaster County, and Judge Mark Ashford from Douglas County, who volunteered as Veterans Treatment Court judges in their two jurisdictions.

Judges, mentors, lawyers, team members, and supporters please stand. Let's give them a round of applause.

Also, special thanks to Senators McCollister and Williams for sponsoring legislation to fund these courts.

Drug Courts

Our other problem-solving courts are primarily drug courts. Drug court and other problem-solving court judges also volunteer for duties over and above their traditional responsibilities because of their commitments to serve their communities and to serve the individual offenders who are working to rehabilitate their lives.

This past summer, as part of the Supreme Court's annual summer tour of courthouses around the state, members of this Court attended Hamilton County's first drug court graduation ceremony. Led by Judges Rachel Daugherty and Linda Senff, the Hamilton County Drug Court is an example of the extra effort our judges, probation officers, and support staff make to keep our communities safe and strong.

The Hamilton County Drug Court also highlighted the difficult commitments drug court participants must make in order to graduate. The participants must overcome addictions and past bad decision-making; they must affirmatively commit to rehabilitating themselves, to finding jobs, and creating productive futures. Every problem-solving court participant saved is one less incarcerated felon and one less burden for Nebraska's taxpayers.

We invite all of you to visit your local problem-solving courts and probation offices. You will see firsthand the commitment and hard work of judges and probation officers for Nebraska's citizens and communities.

Reentry Courts

In that spirit, we are beginning implementation of reentry courts in response to this Legislature's Justice Reinvestment Initiative. Nebraska's reentry courts will provide additional supervision to individuals returning to society from incarceration or post-release supervision. Special thanks to Judges Jim Doyle of Dawson County, Paul Vaughan of Dakota County, and Tim Burns of Douglas County for developing the plans for our reentry courts. I also thank Judge Teresa Luther of Hall County and Judge Stefanie Martinez of Sarpy County for their leadership in developing reentry courts in their districts.

LB 605

Our new judge-led reentry courts are designed to complement this Legislature's desire for supervision of Class III and Class IV felons upon release from state or county correctional facilities. Supervision of these individuals is accomplished by our Administrative Office of Courts and Probation and is designed to increase the likelihood of a successful return to Nebraska communities.

Virtually all of these probationers return to the communities where they initially broke the law, and past experience indicates that most of these individuals will reoffend unless prior failings are addressed. Chief among the needs to be addressed are substance abuse, mental health issues, and housing concerns.

The courts and probation staff have embraced the responsibility this body has given to them to supervise probationer reentry. To that end, probation has created a number of programs, including the concept of reentry navigators, to anticipate the release of prisoners and smooth the transition

process to life after incarceration. Reentry navigators emphasize housing, job placement, counseling for addiction, and services for mental health issues.

Probation administration also tracks all returning felons as to risk of reoffending. Each supervised reentry participant is given individual programming designed to help that person succeed. Probation provides traditional housing alternatives, GPS monitoring, and a special program for offenders who have substance abuse and mental health problems. There are approximately 820 individuals currently enrolled in reentry supervision.

Adult Probation

Overall, there are nearly 18,000 individuals in our adult probation program. That is an increase of nearly 1,400 individuals since 2016. Those numbers indicate that both judges and probation officers are doing their part to implement the directives and presumptions embodied in LB 605 and related legislation.

The University of Nebraska-Lincoln has evaluated recidivism of Nebraska's probation system participants by measuring convictions for criminal behavior after three years from successful release. Using those calculations, the recidivism rate for all adult probationers in Nebraska is approximately 15%. Let me repeat that figure: the recidivism rate for all Nebraska adult probationers is approximately 15%. Fifteen percent is an extraordinarily good number based on adult probation national standards. Your investment in probation is paying off in both tax dollars and public safety.

Testimony at legislative committee hearings and input from our local probation officers suggest there is a large demand for increased probation services and specialty courts, particularly to address mental health issues. Expansion of those programs is not possible, however, without increasing both judge and probation resources. Indeed, currently anticipated budget cuts will diminish both probation services and capacity.

Juvenile Justice

I now call your attention to our juvenile justice program. Based on a successful Douglas County initiative, in 2013 this Legislature decided to place the responsibility for supervision of juvenile justice cases – that is juveniles who break the law or have status offense issues – with the Office of Probation Administration rather than with the Department of Health and Human Services.

The previous model for juvenile justice supervision was to designate juveniles as wards of the state. This effectively removed or diminished the responsibility and participation of parents and guardians in the treatment and rehabilitation of juvenile offenders. The model now utilized by Probation Administration emphasizes, rather than diminishes, the responsibilities of parents, families, and guardians to provide assistance and support of youth rehabilitation and reform.

Juvenile probation programs stress in-home services and strive to minimize out-of-home placements whenever possible. Reducing out-of-home placements has required a fundamental restructuring of the state's

juvenile justice system. We have made great strides in moving toward this new way of thinking about and treating our juveniles.

Reduction in out-of-home placements, however, requires treatment alternatives. Thanks to grant funding, the Office of Probation Administration has implemented such programs as multi-systemic therapy. Multi-systemic therapy is designed to provide around-the-clock in-home intervention and counseling. The Office of Probation Administration and our local judges, by way of our Through the Eyes of the Child Initiative teams, are working on further alternatives to out-of-home placement for juvenile offenders.

Recidivism

Just as we measure success in our adult probation programs by tracking recidivism, we also measure recidivism in our juvenile justice programs. Using a 1-year repeat of delinquent or criminal behavior threshold, the University of Nebraska-Lincoln found the juvenile justice recidivism rate to be approximately 25%. This number, too, shows a decrease in recidivism and indicates a high rate of success in our juvenile justice system.

The courts and probation appreciate the need for accountability and the implementation of effective safeguards and best practices in our juvenile justice system. We continually reevaluate our programs and the needs of our judges along with the need for objective and independent measurement of those processes.

Nebraska is one of just three states in the United States currently participating in a comprehensive juvenile probation system review by the Robert F. Kennedy Institute. This review measures both the strengths and weaknesses of Nebraska's juvenile justice system and will serve as a foundation for further improvements in that system.

Restorative Justice

One new program of particular note in our juvenile justice system is the restorative justice program implemented by this Court's Office of Dispute Resolution. Thus far, this grant-financed program has served over 200 youth, their parents, and victims of their delinquent behavior, in pilot sites in Scotts Bluff, Douglas, and Lancaster Counties.

Participants in the program must admit their misbehavior, agree to rehabilitative processes and, most especially, meet with the victims of their wrongdoing. Most of the young people involved in the program make reparations to those victims. Nearly all program participants, including victims, youth, and their parents, have expressed satisfaction with the program.

The restorative justice program is being expanded to include Buffalo, Adams, Dodge, Saunders, and Gage Counties. The Office of Dispute Resolution and the Office of Probation Administration have also reached out to the Youth Rehabilitation and Treatment Center in Kearney to assist with the feasibility of implementing a restorative justice program at that facility. We look forward to expansion of this restorative justice program around the state.

Office of Public Guardian

I now call your attention to the Office of Public Guardian. The Office of Public Guardian was legislatively established and placed under the administrative authority of the Nebraska Supreme Court. It is designed to provide our county court judges with last resort appointment options for vulnerable adults and developmentally challenged individuals who have no family or friends available for such responsibilities.

In early January, you received a copy of the annual report of the Office of Public Guardian. If you have not yet read the report, I would recommend that you do so. But be prepared: it is a somber read.

Within the 115 pages of that report, Michelle Chaffee, our very capable director of the Office of Public Guardian, outlines various statistics. The report indicates that the Office of Public Guardian handled over 237 cases in the last year, and that their 264 wards had multiple complex and challenging issues. These issues included cognitive impairment, mental health diagnoses, developmental disabilities, substance abuse, terminal medical conditions, histories of criminal behavior, and histories of Mental Health Board commitments. Our assistant public guardians have full to overflowing caseloads, and at the suggestion of the Public Guardian, a waiting list procedure has been set up by the Nebraska Supreme Court.

But numbers do not tell the full story. Each number in the report represents a vulnerable individual, forgotten by time and circumstances, each with a unique and often tragic story, with no one available to help, and for whom a judge had no other viable option but to appoint a guardian. Included in the report are the stories of eight individuals the public guardian has served over the past year. Because of the resources provided by the Office of Public Guardian, these wards were able to get the assistance they needed.

The workload of the Office of Public Guardian also includes finding volunteer court visitors and replacement guardians to take on the increasing demand for guardians driven by the aging of Nebraska's Baby Boomer population. The office is also responsible for educating every new guardian appointed in the State of Nebraska. There were 1,240 new private guardians appointed in the past year.

Thanks to all our county court judges who work with the Office of Public Guardian, especially Judges Todd Hutton of Sarpy County and Holly Parsley of Lancaster County, for providing leadership on guardianship issues.

As with probation and problem-solving courts, we look forward to working with this body to provide adequate resources for these increasing demands.

Technology

I have reported to you in the past about progress with the Court's statewide electronic filing system. Attorneys can now electronically file documents in all of our courts using the same on-line portal. During the past year, the appellate courts became the most recent addition to that portal. Nearly 750,000 documents were filed electronically last year.

The courts also recently rolled out an updated electronic payment system. This new online application makes recurring payments easier for businesses who are paying on garnishments, or for individuals who have a payment obligation to the courts for such things as probation fees, court fines, or civil judgments. Email messages and text messages are sent out once a month to remind parties of payments due. These improvements encourage people to take advantage of the convenience of online payments and save court staff time as well.

In fiscal year 2017, over \$150 million was disbursed through the judicial branch. Of that amount, last year nearly \$7 million was distributed to local city and county governments, half of which was then further distributed to our school systems. Other court filing fees were distributed to funds for indigent defense, dispute resolution, and support for victims of crime. And approximately \$8 million was deposited into the state's general fund. Every case that is filed electronically saves dollars for both Nebraska's county and state governments.

Most of the Court's technology is financed by court fees. The Court's Technology Committee has a carefully prioritized strategic plan which will be particularly beneficial in saving property tax dollars for Nebraska's counties.

LB 504

Probation has also moved forward with technological advances. Electronic delivery of presentence investigation reports, provided for by LB 504, is in the process of being implemented across the state. All 12 judicial districts currently have the ability to utilize this process.

Probation is also constantly expanding its teleservices network. Approximately 5,214 hours of teleservicing, equaling more than 130 weeks of work, was utilized in 2016. That number increased in 2017. Teleservices make treatment and rehabilitative programs available in sparsely populated areas where such programs are otherwise not available. They also save travel time and costs for users and taxpayers.

Access to Justice

Technology, of course, is ultimately about access to justice. Users of the technology I just outlined have more access to our clerks' offices than at any time in the history of our judiciary. Filings can be made and accessed 24 hours a day. Payments, too, can be made 24 hours a day.

Access to justice, however, involves not just technology, but issues of human welfare. During the last year, the Court implemented a new Access to Justice Commission. The purpose of this Commission is to bring together and coordinate various initiatives of the courts, the Nebraska State Bar Association, legal service organizations, legal education providers, and public libraries in order to leverage limited resources and increase the impact of work being done to ensure access to swift, fair justice.

The Access to Justice Commission incorporates our existing Committee on Self-Represented Litigation, which was established more than a decade ago to address problems arising from increasing numbers of litigants not represented by lawyers in our court system. The Committee on Self-

Represented Litigation continues its good work in assisting those who find themselves without the benefit of attorney services. It supports Legal Aid and encourages more lawyers to volunteer their time to help the underrepresented. That Committee also supplies dozens of forms, which can be found on this Court's website, to be utilized in various court proceedings.

Access to justice also means language access. Without interpreters, our litigants, judges, jurors, lawyers, and other court system participants would be unable to understand what is happening in our courts. Nebraska judges work daily to provide access in our courts and probation programs to speakers with limited English proficiency. During the past year, the Judicial Branch relied on interpreters for 53 different languages.

Appellate Court Outreach

As part of access to justice, the courts continue to sponsor outreach programs for both adults and young people. Judges work with the Nebraska State Bar Foundation on the implementation of such programs as High School Mock Trial, Constitution Day, Teen Parents and the Law, and Law Day Job Shadowing.

Both the Supreme Court and Court of Appeals webcast oral arguments live and maintain an archive of past oral arguments. All Nebraskans -- not just lawyers -- can watch Nebraska's appellate courts at work by going to this Court's website or to the Nebraska Public Television website. Special thanks to NET for making these webcasts possible.

For over 30 years, the Supreme Court has traveled to both of Nebraska's law schools each year for the purpose of making the Court's business accessible to law students on their campuses. The Court saw value in providing similar educational programming for students in Nebraska's high schools and colleges. As a result, over the last two years the Nebraska Supreme Court has held oral arguments at Norfolk, Beatrice, Omaha Central, and Omaha South high schools. Likewise, the Court of Appeals has held its oral arguments at Chadron State College, Hastings College, University of Nebraska at Kearney, Peru State College, Doane University in Crete, Nebraska Wesleyan University in Lincoln, Midland University in Fremont, and Concordia University in Seward.

Cameras in the Trial Courts

During the last year, the Supreme Court developed uniform rules for cameras and other electronic devices in our trial courts. After experimenting in various trial courts over the past 5 years, these uniform rules were implemented beginning March 1, 2017. Now, Nebraskans can see and hear trial court proceedings on their televisions and computers, and listen to court sound bites on Nebraska's radio stations. This process was complemented by the Nebraska State Bar Foundation's Bench Media Committee, which brings together judges, lawyers and news reporters, to raise the level of understanding and appreciation for a fair and impartial court system.

Conclusion

In conclusion, I repeat a line from earlier in this presentation: courts are committed to providing equality before the law.

Mindful of the budget constraints of the last year, and the likely budget constraints of the near future, the courts continue their dynamic pursuit of ways to do our job better. Hence, the implementation of our new Access to Justice Commission; the implementation of cameras in our trial courts; the implementation of increasingly sophisticated e-filing and other technological advances; and the good work of the Office of Public Guardian, the Office of Dispute Resolution; and the increase of adult probation services, problem-solving courts, and juvenile justice supervision programs.

The commitment of this, the Judicial Branch, to you, the Legislative Branch, to the Executive Branch, and to all of Nebraska's citizens, is that our courts will be open and fair and that we will continue to search for ways to do this better. We thank you for your past and future support in these endeavors.

And thank you again for allowing me to speak to you today.

The committee escorted the Chief Justice from the Chamber.

MOTION(S) - Print in Journal

Senator Wayne filed the following motion to LB1066:
MO175
Indefinitely postpone pursuant to Rule 6, Section 3(f).

Senator Wayne filed the following motion to LB1059:
MO177
Withdraw bill.

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

Room 1507

Thursday, January 25, 2018 1:30 p.m.

John Andrew Bolduc - Nebraska State Patrol
LB831
LB997

(Signed) John Murante, Chairperson

Natural Resources

Room 1525

Thursday, January 25, 2018 1:30 p.m.

Bradley Bird - Nebraska Ethanol Board
LB754

(Signed) Dan Hughes, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 18CA. The Chambers motion, MO176, found in this day's Journal, to bracket until April 18, 2018, was renewed.

SPEAKER SCHEER PRESIDING

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1117. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4008, Reissue Revised Statutes of Nebraska, and section 77-2602, Revised Statutes Cumulative Supplement, 2016; to change certain cigarette and tobacco products tax rates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1118. Introduced by Krist, 10.

A BILL FOR AN ACT relating to criminal justice; to create the Coordinated Reentry Council; to provide powers and duties for the council; and to provide a termination date.

LEGISLATIVE BILL 1119. Introduced by Riepe, 12; Geist, 25; Hilgers, 21; Hughes, 44; Kolterman, 24; Stinner, 48.

A BILL FOR AN ACT relating to state government; to adopt the Direct Primary Care Pilot Program Act.

LEGISLATIVE BILL 1120. Introduced by Larson, 40.

A BILL FOR AN ACT relating to government regulation; to amend sections 53-118, 53-168, 53-1,115, 59-1401, 59-1403, 59-1404, 59-1405, and 59-1406, Reissue Revised Statutes of Nebraska, and sections 53-123.15, 53-124.11, 53-134.01, 53-135, 53-1,100, 53-1,104, and 53-504, Revised Statutes Cumulative Supplement, 2016; to provide procedures regarding overdue accounts; to change provisions relating to taxation of beer and use of a fund; to require annual reports by third-party shippers as prescribed; to change requirements for the sale of beer by certain licensees; to require automatic renewal of retail licenses as prescribed; to change penalty and enforcement provisions of the Nebraska Liquor Control Act; to name the Music Licensing Agency Act; to define and redefine terms; to eliminate obsolete references; to provide duties; to require music licensing agencies to register with the Secretary of State; to change penalties; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1121. Introduced by Larson, 40.

A BILL FOR AN ACT relating to the Nebraska Uniform Limited Liability Company Act; to amend section 21-101, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Uniform Protected Series Act; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1122. Introduced by Larson, 40.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-601, Revised Statutes Cumulative Supplement, 2016; to authorize the testing of automated motor vehicles as prescribed; to define terms; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1123. Introduced by Groene, 42.

A BILL FOR AN ACT relating to natural resources districts; to provide for augmentation projects and retention of water rights as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 1124. Introduced by Groene, 42.

A BILL FOR AN ACT relating to public entities; to provide for notice and hearings relating to acquisition of land and installation of certain pumping equipment as prescribed.

LEGISLATIVE BILL 1125. Introduced by Groene, 42.

A BILL FOR AN ACT relating to school finance; to amend sections 77-3446, 79-1015.01, 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Supplement, 2017; to change the base limitation; to change the local effort rate; to change the determination and certification dates relating to distribution of aid, certification of certain budget limitations as prescribed, and duties of the Appropriations Committee of the Legislature; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1126. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to victims' rights; to adopt the Sexual Assault Survivors' Bill of Rights Act; and to provide for a civil action.

LEGISLATIVE BILL 1127. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to health and human services; to amend sections 38-151 and 71-8701, Reissue Revised Statutes of Nebraska; to provide additional fees for certain credentials; to provide for a termination date; to create a fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1128. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to prohibit counties, local governments, and certain state government entities from spending legislative appropriations under certain conditions.

LEGISLATIVE BILL 1129. Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to state government; to amend section 49-1401, Revised Statutes Supplement, 2017; to prohibit state employees from certain political activities; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1130. Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1401, Revised Statutes Supplement, 2017; to provide a disclosure requirement for providing income to certain candidates and officials as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1131. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to dissolution of marriage; to amend section 42-347, Reissue Revised Statutes of Nebraska; to define a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1132. Introduced by Pansing Brooks, 28; Ebke, 32; Linehan, 39; Morfeld, 46; Vargas, 7; Wishart, 27.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 29-3523, Reissue Revised Statutes of Nebraska; to define terms; to provide a procedure to set aside convictions for victims of sex trafficking; to provide for expungement of criminal history record information of such victims; and to repeal the original section.

LEGISLATIVE BILL 1133. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to agriculture; to amend section 28-401, Revised Statutes Supplement, 2017; to adopt the Industrial Hemp Act; to provide an exemption under the Uniform Controlled Substances Act as prescribed; to eliminate a provision permitting growth and cultivation of industrial hemp by a postsecondary institution or the Department of Agriculture; to provide an operative date; to repeal the original section; and to outright repeal section 2-5701, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 1134. Introduced by Vargas, 7; Crawford, 45.

A BILL FOR AN ACT relating to labor; to adopt the Nebraska Worker Adjustment and Retraining Notification Act.

LEGISLATIVE BILL 1135. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to teachers; to adopt the Alternative Certification for Quality Teachers Act.

LEGISLATIVE BILL 1136. Introduced by Clements, 2.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-1905, 60-1910, and 60-1911, Reissue Revised Statutes of Nebraska, section 60-1901, Revised Statutes Cumulative Supplement, 2016, and sections 60-149 and 60-166, Revised Statutes Supplement, 2017; to redefine abandoned vehicle to include a motor vehicle donated or sold to a multistate auction dealer; to provide for custody and disposition of such vehicles and proceeds of sales of such vehicles; to provide duties for multistate online dealers; to harmonize provisions; and to repeal the original sections.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 290CA.** Introduced by Kuehn, 38.

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 amend Article VIII, section 1:

VIII-1 The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles. The tax proceeds from motor vehicles taxed in each county shall be allocated to the county and the cities, villages, and school districts of such county; (4) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature,

shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land; (5) the Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; (6) the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values; (7) the Legislature may provide that all real property in the state shall be valued, for property tax purposes, at the property's market value on the date such property was purchased or otherwise acquired by the property owner and may also provide that such valuation shall not change until the property is subsequently sold or transferred to a new property owner. Such method of valuation may be enacted despite the fact that it results in values that are not uniform and proportionate; ~~(8)(7)~~ in furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; and ~~(9)(8)~~ the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature.

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 authorizing the Legislature to value real property for property tax purposes at the property's market value on the date

the property was acquired and provide that such valuation shall not change until the property is subsequently sold or transferred.

For

Against.

LEGISLATIVE RESOLUTION 291. Introduced by Kolowski, 31.

WHEREAS, overloaded school backpacks are causing increasing problems with back pain and spinal strain for students across the nation; and

WHEREAS, because spinal ligaments and muscles do not fully develop until after the age of sixteen, overweight backpacks are a source of repeated low-level stress that may result in chronic neck, shoulder, or back pain in children; and

WHEREAS, studies have shown that heavy loads carried on the back have the potential to damage the soft tissues of the shoulder, causing microstructural damage to the nerves and damage to internal organs; and

WHEREAS, studies have shown an increase in curvatures of the spine and compression of intervertebral height when backpacks exceed ten percent of a student's body weight; and

WHEREAS, textbooks have become much heavier in recent years, and, in addition to textbooks, students often carry computers, cell phones, water bottles, running shoes, band instruments, and other equipment needed for studies and extracurricular activities; and

WHEREAS, a recent study found that many students carry backpacks exceeding ten percent of their body weight. Some students even carry backpacks weighing twenty-five percent or more of their body weight; and

WHEREAS, backpacks are frequently worn incorrectly, often slung over one shoulder or allowed to hang significantly below the waistline, increasing the weight on the shoulders and making the child lean forward when walking or stoop forward when standing to compensate for the weight.

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

1. That the Legislature strongly recommends that all school administrators, teachers, parents, and students be educated about the potential health impact of heavy backpacks and take proactive measures to avoid injury.

2. That schools should work to assess the extent to which students use overweight backpacks and take steps to lessen the need to carry all school materials and books back and forth each day, such as using handouts or workbooks for homework assignments so that students can leave their heaviest books at home or school.

3. That schools should develop school policies and talking points encouraging students to:

a. Keep the weight of their backpacks under ten percent of their body weight;

b. Use ergonomic backpacks with individualized compartments to efficiently hold books and equipment;

- c. Use both shoulder straps instead of slinging the backpack over one shoulder; and
- d. Use wide, padded straps that can adjust to fit the student's body.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR291 was referred to the Reference Committee.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 292. Introduced by Clements, 2.

WHEREAS, Nebraska celebrated 150 years of statehood on March 1, 2017; and

WHEREAS, anyone who hails from or lives in Nebraska can call themselves a citizen of the great State of Nebraska; and

WHEREAS, a pledge to honor the nobler past of Nebraska is a call to remembrance of the many noble acts of Nebraskans, while recognizing that the less noble also existed in Nebraska's past; and

WHEREAS, to emulate is to seek to copy and live out the character traits of another; and

WHEREAS, courage is exemplified in the boldness, bravery, determination, fearlessness, spirit, and resolution of the native tribes, pioneers, homesteaders, soldiers, Pony Express riders, first responders, and military who have called Nebraska home; and

WHEREAS, faith is a sign of hope, confidence, and conviction regarding God, one's abilities, and the dreams of a better tomorrow for all Nebraskans; and

WHEREAS, resourcefulness calls upon a citizen to use one's mental and physical abilities to their full potential, with vision, ingenuity, creativity, and initiative in innovative and careful approaches to the use of resources; and

WHEREAS, service is helpfulness, assistance, and kindness while seeing and meeting a need; and

WHEREAS, the Nebraska state motto is "EQUALITY BEFORE THE LAW" as evidenced during the trial of Chief Standing Bear.

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

1. The Legislature encourages all Nebraskans to show respect for Nebraska and its rich history at appropriate occasions by reciting the following pledge:

As a citizen under the flag of the great State of Nebraska, I pledge to honor our nobler past by emulating the courage, faith, resourcefulness, and service of past citizens and by supporting our motto, "EQUALITY BEFORE THE LAW".

2. That a copy of this resolution be sent to the author of the pledge, Phil Boehr.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR292 was referred to the Reference Committee.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 293CA. Introduced by Wishart, 27.

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 26 to Article XV:

XV-26 The people of Nebraska have the right to use or consume medical cannabis products, regardless of form, to treat or relieve any medical condition or illness, subject only to laws, rules, and regulations regarding the authority of medical professionals to recommend and dispense medical cannabis, so long as such laws, rules, or regulations preserve or facilitate the right to use or consume medical cannabis.

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 provide that the people of Nebraska have the right to use or consume medical cannabis products, regardless of form, to treat or relieve any medical condition or illness, subject only to laws, rules, and regulations regarding the authority of medical professionals to recommend and dispense medical cannabis, so long as such laws, rules, or regulations preserve or facilitate the right to use or consume medical cannabis.

For

Against.

LEGISLATIVE RESOLUTION 294CA. Introduced by Larson, 40.

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 amend Article III, section 24:

III-24 (1) The Legislature may authorize any game of chance, any lottery, or any gift enterprise. Except as provided in this section, the Legislature shall

~~not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.~~

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first five hundred thousand dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations

which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

Sec. 2. 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 23 to Article III:

III-23 Ninety-eight percent of revenue from any game of chance, any lottery, or any gift enterprise authorized by the Legislature under subsection (1) of Article III, section 24, of this Constitution and not distributed pursuant to subsection (2), (3), or (4) of such section shall be transferred to the Property Tax Credit Cash Fund and the remaining two percent shall be transferred to the Compulsive Gamblers Assistance Fund.

Sec. 3. The proposed amendments 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 provide that the Legislature may authorize any game of chance, any lottery, or any gift enterprise and eliminate the existing prohibition regarding certain games of chance, lotteries, or gift enterprises.

For

Against.

A constitutional amendment to provide that ninety-eight percent of revenue from certain games of chance, lotteries, or gift enterprises authorized by the Legislature shall be transferred to the Property Tax Credit Cash Fund and the remaining two percent shall be transferred to the Compulsive Gamblers Assistance Fund.

For

Against.

LEGISLATIVE RESOLUTION 295CA. Introduced by Vargas, 7; Albrecht, 17; Briese, 41; Groene, 42; Halloran, 33; Howard, 9; Krist, 10; Wayne, 13.

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 amend Article III, section 7:

III-7 At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and

elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive an annual salary of not to exceed one thousand dollars per month during the term of his or her office equal to fifty percent of the median household income for the State of Nebraska as defined by the most recent report of such income published by the United States Bureau of the Census prior to the first Wednesday after the first Monday of January in each odd-numbered year. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

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 change the annual salary of members of the Legislature to fifty percent of the most recent report of the median household income published by the United States Bureau of the Census prior to January of odd-numbered years.

For

Against.

NOTICE OF COMMITTEE HEARING(S)

Transportation and Telecommunications

Room 2102

Friday, January 26, 2018 1:00 p.m.

David Copple - Nebraska Highway Commission
 Mary K. Gerdes - Nebraska Highway Commission
 James W. Hawks - Nebraska Highway Commission
 James Kindig - Nebraska Highway Commission
 Greg Wolford - Nebraska Highway Commission

(Signed) Curt Friesen, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB256.
 Senator Kolterman name added to LB731.
 Senator Pansing Brooks name added to LB1070.
 Senator Blood name added to LB1084.
 Senator Howard name added to LB1084.

VISITORS

Visitors to the Chamber were Senator Hughes' wife, Josie, from Venango, and daughter Ashley Colglazier, from Grant; Kare Heilbrun from Scottsbluff; Steve Guenzel, Steve Seglin, and Dorris Huffman of the Nebraska State Bar Foundation; Scott Paul, President-Elect of the Nebraska State Bar Association, Jane Langan Mach, Chair of the Nebraska State Bar House of Delegates, and Liz Neeley, Executive Director of the Nebraska State Bar Association; members of State Chambers Leadership Nebraska Class X from across the state; and members of the Nebraska Cattlemen Young Producers from across the state.

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

ADJOURNMENT

At 11:50 a.m., on a motion by Senator Hughes, the Legislature adjourned until 9:00 a.m., Friday, January 19, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - JANUARY 19, 2018
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 19, 2018

PRAYER

The prayer was offered by Senator Quick.

ROLL CALL

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

The roll was called and all members were present except Senators Howard, Larson, McCollister, Morfeld, Smith, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the tenth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 18, 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

Stupar, Robert
Enel Green Power North America, Inc.
Bromm Nielsen & Mines
Nebraska Council of School Administrators
Feldman, Michele
Innocence Project, The
Jensen Rogert Associates, Inc.
American Association of Public Insurance Adjusters
Kelley Plucker, LLC
Morris & Titus Law Firm, PC, LLO
Security Innovation Center

Kolterman, Jessica A.
Lincoln Premium Poultry
Zulkoski Weber LLC
Merck Sharp and Dohme Corp.
Visiting Nurse Association

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 Bostelman filed the following amendment to LB321:
AM1522

- 1 1. Strike the Schumacher amendment, FA85.
- 2 2. On page 2, line 18, after "university" insert "shooting sports".

NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 2102

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

LB766

(Signed) Lydia Brasch, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB1034	Health and Human Services
LB1035	Health and Human Services
LB1036	Government, Military and Veterans Affairs
LB1037	Government, Military and Veterans Affairs
LB1038	Government, Military and Veterans Affairs
LB1039	Judiciary
LB1040	Health and Human Services
LB1041	Health and Human Services
LB1042	Health and Human Services
LB1043	Transportation and Telecommunications
LB1044	Health and Human Services
LB1045	Revenue
LB1046	Health and Human Services
LB1047	Judiciary

LB1048 Revenue
 LB1049 Transportation and Telecommunications
 LB1050 Revenue
 LB1051 Judiciary
 LB1052 Education
 LB1053 Executive Board
 LB1054 Natural Resources
 LB1055 Appropriations
 LB1056 Education
 LB1057 Health and Human Services
 LB1058 Government, Military and Veterans Affairs
 LB1060 Health and Human Services
 LB1061 Appropriations
 LB1062 Appropriations
 LB1063 Transportation and Telecommunications
 LB1064 Government, Military and Veterans Affairs
 LB1065 Government, Military and Veterans Affairs
 LB1066 Government, Military and Veterans Affairs
 LB1067 Urban Affairs
 LB1068 Government, Military and Veterans Affairs
 LB1069 Education
 LB1070 Education
 LB1071 Revenue
 LB1072 Government, Military and Veterans Affairs
 LB1073 Health and Human Services
 LB1074 Revenue
 LB1075 Revenue
 LB1076 Revenue
 LB1077 Revenue
 LB1078 Executive Board
 LB1079 Health and Human Services
 LB1080 Transportation and Telecommunications
 LB1081 Education
 LB1082 Judiciary
 LB1083 Judiciary
 LR288 Executive Board
 LR289CA Executive Board

(Signed) Dan Watermeier, Chairperson
 Executive Board

MOTION(S) - Withdraw LB805

Senator Brasch offered her motion, MO172, found on page 326, to withdraw LB805.

The Brasch motion to withdraw the bill prevailed with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

MOTION(S) - Withdraw LB810

Senator Harr offered his motion, MO169, found on page 318, to withdraw LB810.

The Harr motion to withdraw the bill prevailed with 33 ayes, 1 nay, 11 present and not voting, and 4 excused and not voting.

MOTION(S) - Withdraw LB1059

Senator Wayne offered his motion, MO177, found on page 345, to withdraw LB1059.

The Wayne motion to withdraw the bill prevailed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)

Appropriations

Room 1524

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

LB674

Agency 37 - Workers' Compensation Court
Agency 86 - Dry Bean Commission
Agency 35 - Liquor Control Commission, Nebraska
Agency 31 - Military Department
Agency 14 - Public Service Commission
Agency 21 - State Fire Marshal
Agency 22 - Insurance, Department of
Agency 94 - Public Advocacy, Commission on

Room 1003

Wednesday, January 31, 2018 1:30 p.m.

LB775

Agency 29 - Natural Resources, Department of
Agency 84 - Environmental Quality, Department of
Agency 33 - Game and Parks Commission

Thursday, February 1, 2018 1:30 p.m.

LB802

Agency 16 - Revenue, Department of
Agency 93 - Tax Equalization and Review Commission
Agency 72 - Economic Development, Department of
Agency 91 - Nebraska Tourism Commission
Agency 65 - Administrative Services, Department of

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

Agency 24 - Motor Vehicles, Department of
 Agency 60 - Ethanol Board, Nebraska
 Agency 77 - Industrial Relations, Commission of
 Agency 85 - Public Employees Retirement Board, Nebraska
 Agency 87 - Accountability and Disclosure Commission

(Signed) John Stinner, Chairperson

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB1054:
 AM1578

1 1. On page 4, lines 7 and 8, reinstate the stricken matter.

MOTION(S) - Print in Journal

Senator Krist filed the following motion to LB1017:
 MO178

Withdraw bill.

GENERAL FILE

LEGISLATIVE BILL 321. Senator Chambers renewed his motion, MO165, found on page 267, to reconsider the vote taken to indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 42:

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

Present and not voting, 1:

Kolowski

Absent and not voting, 1:

Brasch

Excused and not voting, 4:

Krist Larson Smith Wayne

The Chambers motion to reconsider failed with 1 aye, 42 nays, 1 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Senator Bostelman withdrew his amendment, FA87, found on page 241.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO180

Recommit to the Judiciary Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

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

Voting in the affirmative, 2:

Chambers Kolowski

Voting in the negative, 40:

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

Excused and not voting, 7:

Groene Larson Pansing Brooks Wayne
Krist Morfeld Quick

The Chambers motion to recommit to committee failed with 2 ayes, 40 nays, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA90

Page 4, strike lines 19-20.

Senator Chambers moved for a call of the house. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 40:

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

Present and not voting, 5:

Blood	Chambers	Harr	Kolowski	Wayne
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Excused and not voting, 4:

Groene	Krist	Morfeld	Watermeier
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The Chambers amendment lost with 0 ayes, 40 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO182

Reconsider the vote taken on FA90.

Senator Chambers asked unanimous consent to withdraw his motion, MO182, to reconsider. No objections. So ordered.

Senator Lowe moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 47:

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

Voting in the negative, 1:

Chambers

Excused and not voting, 1:

Ebke

Advanced to Enrollment and Review Initial with 47 ayes, 1 nay, and 1 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

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

LB828

LB876

LB877

LB718

(Signed) Mike Groene, Chairperson

Transportation and Telecommunications

Room 1113

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

LB740

LB755
LB830
LB909
LB980

(Signed) Curt Friesen, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Thibodeau name added to LB714.
Senator Brasch name added to LB747.
Senator Thibodeau name added to LB1071.

VISITORS

Visitors to the Chamber were Mariya, Quincy, and Harper Treisman from Belmont, MA; and 100 fourth-grade students and teachers from Reeder Elementary, Omaha.

MOTION - Adjournment

Senator Thibodeau moved to adjourn. The motion prevailed with 29 ayes, 8 nays, 11 present and not voting, and 1 excused and not voting, and at 11:48 a.m., the Legislature adjourned until 9:00 a.m., Monday, January 22, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY - JANUARY 22, 2018
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 22, 2018

PRAYER

The prayer was offered by Senator Blood.

ROLL CALL

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

The roll was called and all members were present except Senators Howard, Kolowski, Kuehn, McDonnell, and Wayne who were excused; and Senators Bolz, Briese, Harr, Krist, Larson, McCollister, Murante, Pansing Brooks, Stinner, Thibodeau, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB1084	Revenue
LB1085	Urban Affairs
LB1086	Judiciary
LB1087	Revenue
LB1088	Revenue
LB1089	Revenue
LB1090	Revenue
LB1091	Revenue
LB1092	Transportation and Telecommunications
LB1093	Executive Board
LB1094	Education
LB1095	Revenue
LB1096	Business and Labor
LB1097	Revenue

LB1098 Government, Military and Veterans Affairs
LB1099 Executive Board
LB1100 Revenue
LB1101 Appropriations
LB1102 General Affairs
LB1103 Education
LB1104 Revenue
LB1105 Banking, Commerce and Insurance
LB1106 Revenue
LB1107 Health and Human Services
LB1108 Revenue
LB1109 Business and Labor
LB1110 Education
LB1111 Government, Military and Veterans Affairs
LB1112 Judiciary
LB1113 Transportation and Telecommunications
LB1114 Transportation and Telecommunications
LB1115 Government, Military and Veterans Affairs
LB1116 Education
LB1117 Revenue
LB1118 Judiciary
LB1119 Government, Military and Veterans Affairs
LB1120 General Affairs
LB1121 Banking, Commerce and Insurance
LB1122 Transportation and Telecommunications
LB1123 Natural Resources
LB1124 Natural Resources
LB1125 Education
LB1126 Judiciary
LB1127 Health and Human Services
LB1128 Government, Military and Veterans Affairs
LB1129 Government, Military and Veterans Affairs
LB1130 Government, Military and Veterans Affairs
LB1131 Judiciary
LB1132 Judiciary
LB1133 Agriculture
LB1134 Business and Labor
LB1135 Education
LB1136 Transportation and Telecommunications
LR290CA Revenue
LR291 Education
LR292 Government, Military and Veterans Affairs
LR293CA Judiciary
LR294CA General Affairs
LR295CA Executive Board

(Signed) Dan Watermeier, Chairperson
Executive Board

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 279 and 280 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 279 and 280.

MOTION(S) - Confirmation Report(s)

Senator Brasch moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 313:

Department of Agriculture
Steven Wellman, Director

Voting in the affirmative, 33:

Albrecht	Clements	Halloran	Linehan	Smith
Baker	Crawford	Hansen	Lowe	Walz
Blood	Ebke	Hilgers	Morfeld	Watermeier
Bostelman	Erdman	Hilkemann	Quick	Williams
Brasch	Friesen	Hughes	Riepe	Wishart
Brewer	Geist	Kolterman	Scheer	
Chambers	Groene	Lindstrom	Schumacher	

Voting in the negative, 0.

Excused and not voting, 16:

Bolz	Kolowski	McCollister	Stinner
Briese	Krist	McDonnell	Thibodeau
Harr	Kuehn	Murante	Vargas
Howard	Larson	Pansing Brooks	Wayne

The appointment was confirmed with 33 ayes, 0 nays, and 16 excused and not voting.

Senator Brasch moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 313:

Beginning Farmer Board
Tyler Weborg

Voting in the affirmative, 31:

Albrecht	Clements	Halloran	Pansing Brooks	Watermeier
Baker	Crawford	Hansen	Quick	Williams
Blood	Ebke	Hughes	Riepe	Wishart
Bostelman	Erdman	Kolterman	Scheer	
Brasch	Friesen	Lindstrom	Smith	
Brewer	Geist	Linehan	Stinner	
Chambers	Groene	Lowe	Walz	

Voting in the negative, 0.

Present and not voting, 4:

Hilgers	Hilkemann	Morfeld	Schumacher
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Excused and not voting, 14:

Bolz	Howard	Kuehn	McDonnell	Vargas
Briese	Kolowski	Larson	Murante	Wayne
Harr	Krist	McCollister	Thibodeau	

The appointment was confirmed with 31 ayes, 0 nays, 4 present and not voting, and 14 excused and not voting.

Senator Brasch moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 314:

Nebraska State Fair Board
Harry Hoch

Voting in the affirmative, 32:

Albrecht	Clements	Hansen	Pansing Brooks	Walz
Baker	Crawford	Hilkemann	Quick	Watermeier
Blood	Ebke	Hughes	Riepe	Williams
Bostelman	Erdman	Kolterman	Scheer	Wishart
Brasch	Friesen	Lindstrom	Schumacher	
Brewer	Geist	Linehan	Smith	
Chambers	Halloran	Lowe	Stinner	

Voting in the negative, 0.

Present and not voting, 3:

Groene	Hilgers	Morfeld
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Excused and not voting, 14:

Bolz	Howard	Kuehn	McDonnell	Vargas
Briese	Kolowski	Larson	Murante	Wayne
Harr	Krist	McCollister	Thibodeau	

The appointment was confirmed with 32 ayes, 0 nays, 3 present and not voting, and 14 excused and not voting.

Senator Smith moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 328:

Tax Equalization and Review Commission
James Kuhn

Voting in the affirmative, 35:

Albrecht	Crawford	Hansen	Lowe	Smith
Baker	Ebke	Hilgers	Morfeld	Stinner
Bostelman	Erdman	Hilkemann	Pansing Brooks	Vargas
Brasch	Friesen	Hughes	Quick	Walz
Brewer	Geist	Kolterman	Riepe	Watermeier
Chambers	Groene	Lindstrom	Scheer	Williams
Clements	Halloran	Linehan	Schumacher	Wishart

Voting in the negative, 0.

Present and not voting, 1:

Blood

Excused and not voting, 13:

Bolz	Howard	Kuehn	McDonnell	Wayne
Briese	Kolowski	Larson	Murante	
Harr	Krist	McCollister	Thibodeau	

The appointment was confirmed with 35 ayes, 0 nays, 1 present and not voting, and 13 excused and not voting.

Senator Smith moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 328:

Tax Equalization and Review Commission
Steven Keetle

Voting in the affirmative, 33:

Baker	Ebke	Hilkemann	Pansing Brooks	Vargas
Blood	Erdman	Hughes	Quick	Walz
Bostelman	Friesen	Kolterman	Riepe	Watermeier
Brasch	Geist	Lindstrom	Scheer	Williams
Brewer	Halloran	Linehan	Schumacher	Wishart
Clements	Hansen	Lowe	Smith	
Crawford	Hilgers	Morfeld	Stinner	

Voting in the negative, 0.

Present and not voting, 3:

Albrecht Chambers Groene

Excused and not voting, 13:

Bolz	Howard	Kuehn	McDonnell	Wayne
Briese	Kolowski	Larson	Murante	
Harr	Krist	McCollister	Thibodeau	

The appointment was confirmed with 33 ayes, 0 nays, 3 present and not voting, and 13 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 285. Title read. Considered.

Committee AM423, found on page 570, First Session, 2017, was adopted with 32 ayes, 0 nays, 5 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 2 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 258. Title read. Considered.

Committee AM339, found on page 574, First Session, 2017, was adopted with 34 ayes, 0 nays, 4 present and not voting, and 11 excused and not voting.

Senator Hansen offered his amendment, AM1534, found on page 285.

The Hansen amendment was adopted with 34 ayes, 0 nays, 4 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 3 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 310. Title read. Considered.

Senator Friesen withdrew his amendment, AM1135, found on page 285.

Senator Friesen offered his amendment, AM1544, found on page 303.

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

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

COMMITTEE REPORT(S)
Nebraska Retirement Systems

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

Randy D. Gerke, Director - Nebraska Public Employees Retirement Systems

Aye: 6 Bolz, Groene, Kolowski, Kolterman, Lindstrom, Stinner. Nay: 0.
Absent: 0. Present and not voting: 0.

(Signed) Mark Kolterman, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Nebraska Retirement Systems

Room 1525

Friday, February 2, 2018 12:00 p.m.

LB1005

(Signed) Mark Kolterman, Chairperson

Appropriations

Room 1524

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

Agency 18 - Agriculture, Department of
Agency 48 - Coordinating Commission for Postsecondary Education
Agency 50 - Nebraska State College System
Agency 83 - Community College Aid
LB 944, Section 71 - Restriction on use of Federal Title X program funds

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

LB727

Agency 69 - Arts Council, Nebraska
Agency 13 - Education, Department of
Agency 32 - Educational Lands and Funds, Board of
Agency 47 - Educational Telecommunications Commission, Nebraska
Agency 34 - Library Commission, Nebraska
Agency 54 - Historical Society, Nebraska State

Room 1003

Wednesday, February 7, 2018 1:30 p.m.

Agency 12 - State Treasurer
Agency 23 - Labor, Department of
Agency 67 - Equal Opportunity Commission
Agency 68 - Latino-American Commission
Agency 70 - Foster Care Review Board, State
Agency 82 - Commission for the Deaf and Hard of Hearing
Agency 81 - Commission for the Blind and Visually Impaired

Thursday, February 8, 2018 1:30 p.m.

LB938

Agency 7 - Governor
Agency 8 - Lieutenant Governor
Agency 9 - Secretary of State
Agency 10 - Auditor of Public Accounts
Agency 11 - Attorney General
Agency 3 - Legislative Council
Agency 76 - Indian Commission, Nebraska

(Signed) John Stinner, Chairperson

GENERAL FILE**LEGISLATIVE BILL 472.** Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 3 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 78. Title read. Considered.

Committee AM315, found on page 590, First Session, 2017, was adopted with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 5 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 515. Title read. Considered.

Committee AM205, found on page 614, First Session, 2017, was adopted with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

Senator Bolz moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

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

Voting in the affirmative, 21:

Baker	Hilkemann	Morfeld	Smith	Wishart
Blood	Kolterman	Murante	Stinner	
Crawford	Larson	Pansing Brooks	Vargas	
Ebke	Lindstrom	Quick	Walz	
Hansen	McCollister	Scheer	Williams	

Voting in the negative, 12:

Albrecht	Brewer	Geist	Linehan
Bostelman	Erdman	Halloran	Lowe
Brasch	Friesen	Hilgers	Thibodeau

Present and not voting, 6:

Bolz	Hughes	Schumacher
Clements	Riepe	Watermeier

Excused and not voting, 10:

Briese	Groene	Howard	Krist	McDonnell
Chambers	Harr	Kolowski	Kuehn	Wayne

Failed to advance to Enrollment and Review Initial with 21 ayes, 12 nays, 6 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S) Judiciary

LEGISLATIVE BILL 199. Placed on General File.

LEGISLATIVE BILL 226. Placed on General File with amendment.
AM1580

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 43-1311.03, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 43-1311.03 (1) When a child placed in foster care turns fourteen
6 years of age or enters foster care and is at least fourteen years of age,
7 a written independent living transition proposal shall be developed by
8 the Department of Health and Human Services at the direction and
9 involvement of the child to prepare for the transition from foster care
10 to successful adulthood. Any revision or addition to such proposal shall
11 also be made in consultation with the child. The transition proposal

12 shall be personalized based on the child's needs and shall describe the
 13 services needed for the child to transition to a successful adulthood as
 14 provided in the Nebraska Strengthening Families Act. The transition
 15 proposal shall include, but not be limited to, the following needs and
 16 the services needed for the child to transition to a successful adulthood
 17 as provided in the Nebraska Strengthening Families Act:

- 18 (a) Education;
- 19 (b) Employment services and other workforce support;
- 20 (c) Health and health care coverage, including the child's potential
 21 eligibility for medicaid coverage under the federal Patient Protection
 22 and Affordable Care Act, 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act
 23 and section existed on January 1, 2013;
- 24 (d) Behavioral health treatment and support needs and access to such
 25 treatment and support;
- 26 (e) Financial assistance, including education on credit card
 27 financing, banking, and other services;
- 1 (f) Housing;
- 2 (g) Relationship development and permanent connections; ~~and~~
- 3 (h) Adult services, if the needs assessment indicates that the child
 4 is reasonably likely to need or be eligible for services or other support
 5 from the adult services system; ~~and~~ -
- 6 (i) Information, planning, and assistance to obtain a driver's
 7 license as allowed under state law and consistent with subdivision (9)(b)
 8 (iv) of this section, including, but not limited to, providing the child
 9 with a copy of a driver's manual, identifying driver safety courses and
 10 resources to access a driver safety course, and identifying potential
 11 means to access a motor vehicle for such purposes.

12 (2) The transition proposal shall be developed and frequently
 13 reviewed by the department in collaboration with the child's transition
 14 team. The transition team shall be comprised of the child, the child's
 15 caseworker, the child's guardian ad litem, individuals selected by the
 16 child, and individuals who have knowledge of services available to the
 17 child. As provided in the Nebraska Strengthening Families Act, one of the
 18 individuals selected by the child may be designated as the child's
 19 advisor and, as necessary, advocate for the child with respect to the
 20 application of the reasonable and prudent parent standard and for the
 21 child on normalcy activities. The department may reject an individual
 22 selected by the child to be a member of the team if the department has
 23 good cause to believe the individual would not act in the best interests
 24 of the child.

25 (3) The transition proposal shall be considered a working document
 26 and shall be, at the least, updated for and reviewed at every permanency
 27 or review hearing by the court. The court shall determine whether the
 28 transition proposal includes the services needed to assist the child to
 29 make the transition from foster care to a successful adulthood.

30 (4) The transition proposal shall document what efforts were made to
 31 involve and engage the child in the development of the transition
 1 proposal and any revisions or additions to the transition proposal. As
 2 provided in the Nebraska Strengthening Families Act, the court shall ask
 3 the child, in an age or developmentally appropriate manner, about his or
 4 her involvement in the development of the transition proposal and any

5 revisions or additions to such proposal. As provided in the Nebraska
6 Strengthening Families Act, the court shall make a finding as to the
7 child's involvement in the development of the transition proposal and any
8 revisions or additions to such proposal.

9 (5) The final transition proposal prior to the child's leaving
10 foster care shall specifically identify how the need for housing will be
11 addressed.

12 (6) If the child is interested in pursuing higher education, the
13 transition proposal shall provide for the process in applying for any
14 applicable state, federal, or private aid.

15 (7) The department shall provide without cost a copy of any consumer
16 report as defined in 15 U.S.C. 1681a(d), as such section existed on
17 January 1, 2016, pertaining to the child each year until the child is
18 discharged from care and assistance, including when feasible, from the
19 child's guardian ad litem, in interpreting and resolving any inaccuracies
20 in the report as provided in the Nebraska Strengthening Families Act.

21 (8) A child adjudicated to be a juvenile described in subdivision
22 (3)(a) of section 43-247 and who is in an out-of-home placement shall
23 receive information regarding the Young Adult Bridge to Independence Act
24 and the bridge to independence program available under the act. The
25 department shall create a clear and developmentally appropriate written
26 notice discussing the rights of eligible young adults to participate in
27 the program. The notice shall include information about eligibility and
28 requirements to participate in the program, the extended services and
29 support that young adults are eligible to receive under the program, and
30 how young adults can be a part of the program. The notice shall also
31 include information about the young adult's right to request a client-
1 directed attorney to represent the young adult pursuant to section
2 43-4510 and the benefits and role of an attorney. The department shall
3 disseminate this information to all children who were adjudicated to be a
4 juvenile described in subdivision (3)(a) of section 43-247 and who are in
5 an out-of-home placement at sixteen years of age and yearly thereafter
6 until nineteen years of age, and not later than ninety days prior to the
7 child's last court review before attaining nineteen years of age or being
8 discharged from foster care to independent living. In addition to
9 providing the written notice, not later than ninety days prior to the
10 child's last court review before attaining nineteen years of age or being
11 discharged from foster care to independent living, a representative of
12 the department shall explain the information contained in the notice to
13 the child in person and the timeline necessary to avoid a lapse in
14 services and support.

15 (9)(a) The department shall provide the child with the documents,
16 information, and other materials described in subdivision (9)(b) of this
17 section. (i) if the child is leaving foster care, on ~~(9)~~ On or before the
18 date the child reaches eighteen or nineteen years of age or twenty-one
19 years of age if the child participates in the bridge to independence
20 program, and (ii) at the age or as otherwise prescribed in subdivision
21 (9)(b) of this section. if the child is leaving foster care, the
22 (b) The department shall provide the child with:
23 (i) On or before the date the child reaches fourteen years of age,
24 or as soon as possible after the child enters foster care for a child who

25 enters foster care after attaining the age of fourteen years, and again
 26 prior to leaving foster care, a ~~(a)~~ A certified copy of the child's birth
 27 certificate and facilitate securing a federal social security card if
 28 when the child is eligible for such card;
 29 (ii) ~~(b)~~ Health insurance information and all documentation required
 30 for enrollment in medicaid coverage for former foster care children as
 31 available under the federal Patient Protection and Affordable Care Act,
 1 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act and section existed on
 2 January 1, 2013;
 3 (iii) ~~(c)~~ A copy of the child's medical records;
 4 (iv) ~~(d)~~ A driver's license or identification card issued by a state
 5 in accordance with the requirements of section 202 of the REAL ID Act of
 6 2005, as such section existed on January 1, 2016, and when requested by a
 7 child fourteen years of age or older, all documents necessary to obtain
 8 such license or card;
 9 (v) ~~(e)~~ A copy of the child's educational records;
 10 (vi) ~~(f)~~ A credit report check;
 11 (vii) ~~(g)~~ Contact information, with permission, for family members,
 12 including siblings, with whom the child can maintain a safe and
 13 appropriate relationship, and other supportive adults;
 14 (viii) ~~(h)~~ A list of local community resources, including, but not
 15 limited to, support groups, health clinics, mental and behavioral health
 16 and substance abuse treatment services and support, pregnancy and
 17 parenting resources, and employment and housing agencies;
 18 (ix) ~~(i)~~ Written information, including, but not limited to, contact
 19 information, for disability resources or benefits that may assist the
 20 child as an adult, specifically including information regarding state
 21 programs established pursuant to 42 U.S.C. 677, as such section existed
 22 on January 1, 2016, and disability benefits, including supplemental
 23 security income pursuant to 42 U.S.C. 1382 et seq., as such sections
 24 existed on January 1, 2016, or social security disability insurance
 25 pursuant to 42 U.S.C. 423, as such section existed on January 1, 2016, if
 26 the child may be eligible as an adult;
 27 (x) ~~(j)~~ An application for public assistance and information on how
 28 to access the system to determine public assistance eligibility;
 29 (xi) ~~(k)~~ A letter prepared by the department that verifies the
 30 child's name and date of birth, dates the child was in foster care, and
 31 whether the child was in foster care on his or her eighteenth,
 1 nineteenth, or twenty-first birthday and enrolled in medicaid while in
 2 foster care;
 3 (xii) ~~(l)~~ Written information about the child's Indian heritage or
 4 tribal connection, if any; and
 5 (xiii) ~~(m)~~ Written information on how to access personal documents
 6 in the future.
 7 (c) All fees associated with securing the certified copy of the
 8 child's birth certificate or obtaining a ~~driver's an operator's~~ license
 9 or a state identification card shall be waived by the state.
 10 (d) The transition proposal shall document that the child was
 11 provided all of the documents listed in this subsection. The court shall
 12 make a finding as to whether the child has received the documents as part
 13 of the independence hearing as provided in subdivision (2)(d) of section

14 43-285.

15 Sec. 2. Section 43-4218, Revised Statutes Supplement, 2017, is
16 amended to read:

17 43-4218 (1) ~~(1)(a) The Normalcy Task Force is created. On July 1,~~
18 ~~2017, the Normalcy Task Force shall become the Nebraska Strengthening~~
19 ~~Families Act Committee is created. The committee~~ (b)(i) Beginning July 1,
20 2016, until July 1, 2017, the Normalcy Task Force shall monitor and make
21 recommendations regarding the implementation in Nebraska of the federal
22 Preventing Sex Trafficking and Strengthening Families Act, Public Law
23 113-183, as such act existed on January 1, 2016. (ii) On and after July
24 1, 2017, the Nebraska Strengthening Families Act Committee shall monitor
25 and make recommendations regarding the implementation in Nebraska of the
26 federal Preventing Sex Trafficking and Strengthening Families Act, Public
27 Law 113-183, as such act existed on January 1, 2017, and the Nebraska
28 Strengthening Families Act.

29 (2) ~~The~~ Until July 1, 2017, the members of the task force, and on
30 and after July 1, 2017, the members of the committee shall include, but
31 not be limited to, (a) representatives from the legislative, executive,
1 and judicial branches of government. The representatives from the
2 legislative and judicial branches shall be nonvoting, ex officio members,
3 (b) no fewer than three young adults currently or previously in foster
4 care which may be filled on a rotating basis by members of Project
5 Everlast or a similar youth support or advocacy group, (c) a
6 representative from the juvenile probation system, (d) the executive
7 director of the Foster Care Review Office, (e) one or more
8 representatives from a child welfare advocacy organization, (f) one or
9 more representatives from a child welfare service agency, (g) one or more
10 representatives from an agency providing independent living services, (h)
11 one or more representatives of a child-care institution as defined in
12 section 43-4703, (i) one or more current or former foster parents, (j)
13 one or more parents who have experience in the foster care system, (k)
14 one or more professionals who have relevant practical experience such as
15 a caseworker, and (l) one or more guardians ad litem who practice in
16 juvenile court.

17 (3) ~~The~~ On or before July 1, 2016, the Nebraska Children's
18 Commission shall appoint the members of the task force. On July 1, 2017,
19 the members of the task force shall become members of the committee. The
20 members of the committee serving on July 1, 2017, shall serve the amount
21 of time remaining on their initial terms of office, and are eligible for
22 reappointment by the Nebraska Children's Commission. Members shall be
23 appointed for terms of two years. The commission shall appoint a
24 chairperson or chairpersons of the committee and may fill vacancies on
25 the committee as such vacancies occur.

26 (4) The committee shall provide a written report with
27 recommendations regarding the initial and ongoing implementation of the
28 federal Preventing Sex Trafficking and Strengthening Families Act, as
29 such act existed on January 1, 2017, and the Nebraska Strengthening
30 Families Act and related efforts to improve normalcy for children in
31 foster care and related populations to the Nebraska Children's
1 Commission, the Health and Human Services Committee of the Legislature,
2 the Department of Health and Human Services, and the Governor by December

3 15 of each year. The report to the Health and Human Services Committee of
4 the Legislature shall be submitted electronically.

5 (5) The Nebraska Strengthening Families Act Committee, with
6 assistance from and in collaboration with the Department of
7 Administrative Services, the Department of Health and Human Services, the
8 Department of Insurance, and the Department of Motor Vehicles, shall
9 examine the costs and benefits of implementing or supporting a program
10 under which children in foster care may be insured under a motor vehicle
11 insurance policy. The committee shall submit its recommendations to the
12 Nebraska Children's Commission, the Department of Health and Human
13 Services, and the Health and Human Services Committee of the Legislature
14 on or before September 15, 2019. The report to the Health and Human
15 Services Committee of the Legislature shall be submitted electronically.

16 Sec. 3. Section 43-4704, Revised Statutes Supplement, 2017, is
17 amended to read:

18 43-4704 (1) Every child placed by the department in a foster family
19 home or child-care institution shall be entitled to access to reasonable
20 opportunities to participate in age or developmentally appropriate
21 extracurricular, enrichment, cultural, and social activities.

22 (2) A child in foster care shall not be required, by virtue of his
23 or her status as a child in foster care, to meet any more requirements
24 for a driver's license under the Motor Vehicle Operator's License Act
25 than any other child applying for the same license.

26 Sec. 4. Section 43-4708, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 43-4708 (1) A caregiver is not liable for harm caused to a child
29 who participates in an activity approved by the caregiver or by a child
30 who participates in an activity approved by a caregiver if the caregiver
31 has acted in accordance with the reasonable and prudent parent standard.

1 (2) A caregiver of a child in foster care who obtains a driver's
2 license as described in subsection (9) of section 43-1311.03 is not
3 liable for harm caused to the child or by the child, for actions arising
4 from the child learning to drive or driving a motor vehicle, if the
5 caregiver has acted in accordance with the reasonable and prudent parent
6 standard.

7 (3) This section may not be interpreted as removing or limiting any
8 existing liability protection afforded by law.

9 Sec. 5. Original sections 43-1311.03 and 43-4708, Reissue Revised
10 Statutes of Nebraska, and sections 43-4218 and 43-4704, Revised Statutes
11 Supplement, 2017, are repealed.

(Signed) Laura Ebke, Chairperson

Natural Resources

LEGISLATIVE BILL 758. Placed on General File with amendment.
AM1573

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

3 Section 1. (1) Any joint entity created pursuant to the Interlocal
4 Cooperation Act or natural resources district that acquires title to

5 private lands for the purpose of developing and operating a water
6 augmentation project for streamflow enhancement, as authorized by section
7 46-715, may agree to make voluntary payments in lieu of taxes to the
8 county treasurer of the county in which the land is located. A payment in
9 lieu of tax may be made for any year in which the joint entity or natural
10 resources district owns the land, including any year prior to the
11 effective date of this act. The amount of the payment in lieu of tax for
12 any year shall not be more than the real property taxes that would have
13 been paid on the land if the land were subject to taxation. The county
14 treasurer shall allocate the payment in lieu of tax to the taxing units
15 in the county in the same proportion that property taxes would have been
16 allocated to such taxing units if the land were subject to taxation.
17 (2) Any joint entity created pursuant to the Interlocal Cooperation
18 Act or natural resources district that has secured a contract or
19 memorandum of agreement to acquire title to private land for the purpose
20 of developing and operating a water augmentation project for streamflow
21 enhancement, as authorized by section 46-715, shall:
22 (a) Provide public notice of the joint entity's or district's
23 intention to proceed with the water augmentation project. The notice
24 shall include the project's intended purpose, an estimate of the amount
25 of water that will be pumped for the purpose of augmentation, and the
26 timeframe in which the water will be used;
27 (b) Hold a public hearing and accept public comment on the project;
1 and
2 (c) Seek the input of officials from the county in which the project
3 will be located and adjoining landowners on ways to minimize the effects
4 of the project on the county.
5 (3)(a) Any joint entity created pursuant to the Interlocal
6 Cooperation Act or natural resources district that is operating a water
7 augmentation project for streamflow enhancement shall publish an annual
8 report that includes the following information regarding the project:
9 (i) Details on the operation of the project;
10 (ii) The amount of water pumped;
11 (iii) The amount of land leased and for what purposes;
12 (iv) The amount of revenue gained from land leases;
13 (v) The amount of payments made in lieu of taxes;
14 (vi) Financial details of the project, including the amount of debt,
15 the amount of outstanding bonds and loans, and the project budget;
16 (vii) Whether the project is achieving its intended purpose;
17 (viii) The effect of the project on ground water supplies; and
18 (ix) Projections for use of the project in the future and the effect
19 of the use on ground water supplies.
20 (b) The joint entity or natural resources district shall provide
21 public notice and hold a public hearing to allow an opportunity for
22 public comment on the report required under subdivision (3)(a) of this
23 section.
24 (4) Any joint entity created pursuant to the Interlocal Cooperation
25 Act or natural resources district that has acquired title to private
26 lands for the purpose of developing and operating a water augmentation

27 project for streamflow enhancement, as authorized by section 46-715.
 28 shall submit all leases relating to such lands to the appropriate county
 29 assessor within thirty days after the effective date of the lease.
 30 Sec. 2. Since an emergency exists, this act takes effect when passed
 31 and approved according to law.

(Signed) Dan Hughes, Chairperson

AMENDMENT(S) - Print in Journal

Senator Halloran filed the following amendment to LB718:
 AM1553

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

3 Section 1. Sections 1 to 8 of this act shall be known and may be
 4 cited as the Higher Education Free Speech Accountability Act.

5 Sec. 2. For purposes of the Higher Education Free Speech
 6 Accountability Act:

7 (1) Campus community includes students of an institution, all
 8 employees of an institution, and the invited guests of such students or
 9 employees;

10 (2) Counter demonstration means lawful action or conduct that
 11 criticizes or objects to the free expression activities of others on
 12 campus;

13 (3) Student means any person who is enrolled on a full-time or part-
 14 time basis in an institution;

15 (4) Governing body means the Board of Regents of the University of
 16 Nebraska, the Board of Trustees of the Nebraska State Colleges, and each
 17 community college board of governors; and

18 (5) Institution means a community college, a state college, or the
 19 University of Nebraska.

20 Sec. 3. Each governing body shall develop, adopt, and promulgate a
 21 policy governing free expression within its institutions. Such policy
 22 shall contain at least the following provisions:

23 (1) A statement that the primary function of each institution is the
 24 discovery, improvement, transmission, and dissemination of knowledge by
 25 means of research, teaching, discussion, and debate. This statement shall
 26 provide that, to fulfill this function, the institution must strive to
 27 ensure the fullest degree of intellectual freedom and free expression;

1 (2) A statement that it is not the proper role of the institution to
 2 shield individuals from speech protected by the First Amendment to the
 3 Constitution of the United States, including, without limitation, ideas
 4 and opinions individuals find unwelcome, disagreeable, or even deeply
 5 offensive;

6 (3) An institution shall not take action, as an institution, on the
 7 public policy controversies of the day in such a way as to require
 8 students, faculty, or administrators to publicly express a given view on
 9 such controversies;

10 (4) Students and faculty have the freedom to discuss any problem

11 that presents itself, as permitted by the First Amendment and within the
12 limits of reasonable viewpoint and content-neutral restrictions on time,
13 place, and manner of expression that are consistent with the Higher
14 Education Free Speech Accountability Act and that are necessary to
15 achieve a compelling institutional interest. Any such restrictions shall
16 be clear and published and shall provide ample alternative means of
17 expression. Students and faculty shall be permitted to assemble and
18 engage in spontaneous expressive activity as long as such activity is not
19 unlawful and does not materially and substantially disrupt the
20 functioning of the institution, subject to the requirements of this
21 subdivision:

22 (5) The institution shall not limit the right of members of the
23 campus community to hold counter demonstrations, so long as the conduct
24 of such counter demonstrations is lawful, does not interfere with the
25 free expression rights of others on campus by materially and
26 substantially disrupting previously scheduled or reserved activities in a
27 portion or section of the campus at that scheduled time, and does not
28 materially and substantially disrupt the functioning of the institution;

29 (6) Access to campuses of the institution for purposes of free
30 speech and expression shall be consistent with First Amendment
31 jurisprudence regarding traditional public forums, designated public
1 forums, and nonpublic forums and subject to reasonable time, place, and
2 manner restrictions;

3 (7) The public areas of campuses of the institution are traditional
4 public forums, open on the same terms to any speaker;

5 (8) Any campus of the institution shall be open to any speaker whom
6 students, student groups, or members of the faculty have invited;

7 (9) Protests and demonstrations that materially and substantially
8 infringe upon the rights of others to engage in or listen to expressive
9 activity shall not be permitted. Any student or institution employee who
10 engages in such protests or demonstrations shall be subject to sanction;

11 (10) A series of sanctions for any student or institution employee
12 who violates the policy governing free expression. Such sanctions shall
13 parallel other institutional disciplinary actions and shall include
14 increased sanctions for repeat violators; and

15 (11) The rights afforded to any student or institution employee
16 accused of violating the policy governing free expression.

17 Sec. 4. (1) Each governing body shall create a Committee on Free
18 Expression to consist of nine members. The membership shall consist of
19 three members from the governing body, three faculty members, and three
20 student members. The committee shall elect one of its members as
21 chairperson. Members shall serve for terms of one year. Members shall
22 serve without compensation but shall be reimbursed for their actual and
23 necessary expenses incurred in the performance of their duties as
24 provided in sections 81-1174 to 81-1177.

25 (2) Each year, each committee shall provide a report to the public,
26 its own governing body, the Governor, and the Legislature. The report
27 shall be submitted at least thirty days prior to the beginning of the
28 legislative session for the following year. The annual report shall

29 include:

30 (a) A description of any barriers to or incidents of disruption of
31 free expression occurring on any campus of an institution, including, but
1 not limited to, attempts to block or prohibit speakers and investigations
2 into students or student organizations for their speech. The description
3 shall include the nature of each barrier or incident, as well as what
4 disciplinary action, if any, was taken against members of the campus
5 community determined to be responsible for such specific barriers or
6 incidents. The description shall not reveal any student's personally
7 identifiable information; and

8 (b) Any assessments, criticisms, commendations, or recommendations
9 the committee sees fit to include.

10 (3) The annual report shall be:

11 (a) Accessible from the home page of the web site of each campus of
12 the institution;

13 (b) Searchable by keywords and phrases; and

14 (c) Accessible to the public without requiring registration or use
15 of a user name, a password, or another user identification.

16 (4) If an institution or one of its officials, schools, or colleges
17 is sued for an alleged violation of the First Amendment of the
18 Constitution of the United States or of Article I, section 5 of the
19 Constitution of Nebraska, such institution's Committee on Free Expression
20 shall submit a report of the incident, together with a copy of the
21 complaint, to the Governor and the Legislature. The report shall be
22 submitted on or before thirty days after the lawsuit is filed.

23 (5) A report under this section submitted to the Legislature shall
24 be submitted electronically.

25 Sec. 5. Each campus of an institution shall publicly post on its
26 web site a report which will detail the course of action implemented in
27 order to comply with the Higher Education Free Speech Accountability Act
28 and the policy governing free speech adopted pursuant to section 3 of
29 this act. Each campus shall publicly post on its web site any changes or
30 updates to the chosen course of action or the policy.

31 Sec. 6. All institution employees and all state departments and
1 agencies shall cooperate with the Committee on Free Expression by
2 providing information requested by the committee.

3 Sec. 7. (1) Each governing body may adopt additional policies and
4 guidelines to further the purposes of the policy adopted pursuant to
5 section 3 of this act.

6 (2) Nothing in the Higher Education Free Speech Accountability Act
7 shall be construed to prevent an institution from regulating student
8 speech or activity that is prohibited by law. Unless otherwise prohibited
9 by the act, an institution may only restrict student expressive activity
10 if such expressive activity is not protected by the First Amendment,
11 including:

12 (a) Violations of state or federal law;

13 (b) Expressive activity that a court has deemed unprotected
14 defamation;

15 (c) Unlawful harassment;

16 (d) True threats, which are defined as statements intended by the
 17 speaker to communicate a serious expression of intent to commit an act of
 18 unlawful violence to a particular individual or group of individuals;
 19 (e) An unjustifiable invasion of privacy or confidentiality not
 20 involving a matter of public concern;
 21 (f) Expressive activity that substantially disrupts the functions of
 22 an institution;
 23 (g) Expressive activity that violates reasonable time, place, and
 24 manner restrictions that are consistent with section 3 of this act; and
 25 (h) Speech that interferes with the treatment of patients.
 26 Sec. 8. Each governing body shall develop a policy that requires
 27 each institution to identify the person, office, or department with
 28 responsibility for ensuring compliance with the Higher Education Free
 29 Speech Accountability Act and for answering any related questions or
 30 concerns. This policy shall require that such person, office, or
 31 department receive training in ensuring compliance with the act.

COMMITTEE REPORT(S)

Natural Resources

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

Dennis Grennan - Nebraska Power Review Board

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

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

Scott McPheeters - Nebraska Ethanol Board

Taylor Nelson - Nebraska Ethanol Board

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

(Signed) Dan Hughes, Chairperson

ANNOUNCEMENT(S)

The Natural Resources Committee designates LB758 as its priority bill.

GENERAL FILE

LEGISLATIVE BILL 345. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 486. Title read. Considered.

Committee AM208, found on page 643, First Session, 2017, was adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 4 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 275. Title read. Considered.

Committee AM445, found on page 669, First Session, 2017, was offered.

Senator Hughes offered the following amendment to the committee amendment:

AM915

(Amendments to Standing Committee amendments, AM445)

- 1 1. On page 1, line 1, strike "sections" and insert "section"; in
- 2 lines 14 and 15 strike "and 60-2410"; and strike beginning with the last
- 3 "or" in line 17 through "owner" in line 18.
- 4 2. On page 2, strike lines 5 through 31.
- 5 3. On page 3, strike lines 1 through 13.

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

The committee amendment, as amended, was adopted with 31 ayes, 0 nays, 6 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.

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB839:
AM1581

- 1 1. On page 2, line 15, strike "sixty" and insert "thirty".
- 2 2. On page 4, line 18, strike "two hundred fifty" and insert "one
- 3 thousand".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Groene name added to LB829.
Senator Chambers name added to LB878.
Senator Halloran name added to LB1084.
Senator Hughes name added to LR290CA.

VISITORS

Visitors to the Chamber were Brent Bussell from Imperial and Brad Dinnel from Wauneta.

The Doctor of the Day was Dr. Eric Thomsen from Beatrice.

ADJOURNMENT

At 11:26 a.m., on a motion by Senator Pansing Brooks, the Legislature adjourned until 9:00 a.m., Tuesday, January 23, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - JANUARY 23, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 23, 2018

PRAYER

The prayer was offered by Reverend Jeffrey Bloom, Immanuel Lutheran Church, Lincoln.

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 Senator Thibodeau who was excused; and Senators Briese, Friesen, Geist, Groene, Kuehn, McCollister, Morfeld, Pansing Brooks, and Schumacher who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twelfth day was approved.

**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.

Matt Wallen, Director - Division of Children and Family Services

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

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.

Rebecca Jane Morris - Stem Cell Research Advisory Committee
Dennis Roop - Stem Cell Research Advisory Committee

Rui Yi - Stem Cell Research Advisory Committee

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

(Signed) Merv Riepe, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 282, 283, and 284 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 282, 283, and 284.

GENERAL FILE

LEGISLATIVE BILL 618. 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 449. Title read. Considered.

Committee AM536, found on page 687, First Session, 2017, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARING(S)

Banking, Commerce and Insurance

Room 1507

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

David J. Rippe - Department of Economic Development
LB1012
LB949

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

LB726
LB1105

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

LB987
LB1121

(Signed) Brett Lindstrom, Chairperson

Urban Affairs

Room 1510

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

LB846
LB874
LB967
LB1085

(Signed) Justin Wayne, Chairperson

Education

Room 1525

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

LB1103
LB1070
LB1135
LB1001

(Signed) Mike Groene, Chairperson

AMENDMENT(S) - Print in Journal

Senator Harr filed the following amendment to LB310:

AM1613

1 1. On page 2, line 25, after "him" insert "or her".

Senator Harr filed the following amendment to LB310:

AM1611

1 1. Strike original section 2 and insert the following new section:

2 Sec. 2. Section 39-1412, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 39-1412 (1) ~~No Any person shall drive driving across or go going~~

5 upon any county bridge with a greater weight than the limits set forth in

6 subsections (2), (3), and (4) of section 60-6,294 or the carrying

7 capacity or weight posted or attached pursuant to thereupon as provided

8 in section 39-1411 if such person knows or should reasonably know that he

9 or she is exceeding such weight limit, carrying capacity, or weight
 10 posted or attached.
 11 (2) A person who violates this section, shall recover no damages
 12 from the county for ~~because of~~ any accident or injury which may happen to
 13 him or her upon such bridge ~~because of damage to or the failure of such~~
 14 ~~bridge caused by such violation.~~
 15 (3) ~~A Such person who violates this section shall, for entering upon~~
 16 ~~any such bridge with a greater weight than the carrying capacity or~~
 17 ~~weight posted thereupon as provided in section 39-1411, be guilty of a~~
 18 Class III misdemeanor.

Senator Harr filed the following amendment to LB310:

AM1612

1 1. Strike original section 2 and insert the following new section:

2 Sec. 2. Section 39-1412, Reissue Revised Statutes of Nebraska, is
 3 amended to read:

4 39-1412 (1) ~~No Any person shall drive driving~~ across or ~~go going~~
 5 upon any county bridge with a greater weight than the limits set forth in
 6 subsections (2), (3), and (4) of section 60-6,294 or the carrying
 7 capacity or weight posted or attached pursuant to thereupon as provided
 8 in section 39-1411.

9 (2) A person who violates this section, shall recover no damages
 10 from the county because of any accident or injury which may happen to him
 11 or her upon such bridge ~~because of damage to or the failure of such~~
 12 ~~bridge caused by such violation.~~

13 (3) ~~A Such person who violates this section shall, for entering upon~~
 14 ~~any such bridge with a greater weight than the carrying capacity or~~
 15 ~~weight posted thereupon as provided in section 39-1411, be guilty of a~~
 16 Class III misdemeanor.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 193. Placed on Select File with amendment.
 ER95 is available in the Bill Room.

LEGISLATIVE BILL 377. Placed on Select File with amendment.
 ER96 is available in the Bill Room.

(Signed) Anna Wishart, Chairperson

GENERAL FILE

LEGISLATIVE BILL 449. Senator Larson offered the following motion:
 MO183
 Indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with
 24 ayes, 3 nays, and 22 not voting.

Senator Larson requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 14:

Bostelman	Erdman	Hughes	Murante	Watermeier
Brewer	Friesen	Larson	Riepe	Williams
Clements	Halloran	Lindstrom	Stinner	

Voting in the negative, 21:

Baker	Ebke	Kolowski	Pansing Brooks	Wishart
Blood	Hansen	Krist	Quick	
Bolz	Harr	McCollister	Schumacher	
Chambers	Hilkemann	McDonnell	Walz	
Crawford	Howard	Morfeld	Wayne	

Present and not voting, 11:

Albrecht	Groene	Linehan	Smith
Brasch	Hilgers	Lowe	Vargas
Geist	Kolterman	Scheer	

Excused and not voting, 3:

Briese	Kuehn	Thibodeau
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The Larson motion to indefinitely postpone failed with 14 ayes, 21 nays, 11 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

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

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

Voting in the affirmative, 21:

Baker	Ebke	Kolowski	Quick	Wishart
Blood	Hansen	Krist	Schumacher	
Bolz	Harr	McCollister	Vargas	
Chambers	Hilkemann	Morfeld	Walz	
Crawford	Howard	Pansing Brooks	Wayne	

Voting in the negative, 17:

Albrecht	Erdman	Hilgers	Murante	Williams
Bostelman	Friesen	Hughes	Riepe	
Brewer	Geist	Larson	Stinner	
Clements	Halloran	McDonnell	Watermeier	

Present and not voting, 8:

Brasch	Kolterman	Linehan	Scheer
Groene	Lindstrom	Lowe	Smith

Excused and not voting, 3:

Briese	Kuehn	Thibodeau
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Failed to advance to Enrollment and Review Initial with 21 ayes, 17 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 589. Title read. Considered.

Committee AM438, found on page 695, First Session, 2017, was offered.

Pending.

NOTICE OF COMMITTEE HEARING(S)
Appropriations

Room 1003

Wednesday, January 31, 2018 1:30 p.m.

Agency 41 - State Real Estate Commission

(Signed) John Stinner, Chairperson

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB589:

AM1574

1 1. On page 2, line 5, after "prosecution" insert "or a petition in a
2 juvenile proceeding under subdivision (2) or (3)(a) of section 43-247".

Senators McCollister and Lindstrom filed the following amendment to LB480:

AM1603

(Amendments to Standing Committee amendments, AM566)

1 1. On page 3, lines 23 and 24, strike "2018" and insert "2019".

Senator Hansen filed the following amendment to LB211:

AM1604

- 1 1. Strike section 4.
- 2 2. On page 2, lines 23 and 25, strike "August 1, 2017" and insert
- 3 "January 1, 2019"; and in lines 26 and 29 strike "2018" and insert
- 4 "2020".

Senator Friesen filed the following amendment to LB310:

AM1610

- 1 1. Strike original section 2 and insert the following new section:
- 2 Sec. 2. Section 39-1412, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 39-1412 (1) ~~No~~ Any person shall drive driving across or ~~go going~~
- 5 upon any county bridge with a greater weight than the limits set forth in
- 6 subsections (2), (3), and (4) of section 60-6,294 or the carrying
- 7 capacity or weight posted or attached pursuant to thereupon as provided
- 8 in section 39-1411.
- 9 (2) A person who violates this section ; shall recover no damages
- 10 from the county ~~for because of~~ any accident or injury which may happen to
- 11 him or her upon such bridge because of damage to or the failure of such
- 12 bridge caused by such violation.
- 13 (3) ~~A Such person who violates this section shall, for entering upon~~
- 14 ~~any such bridge with a greater weight than the carrying capacity or~~
- 15 ~~weight posted thereupon as provided in section 39-1411,~~ be guilty of a
- 16 Class III misdemeanor.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 321. Placed on Select File.

(Signed) Anna Wishart, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 296. Introduced by Walz, 15.

WHEREAS, an individual residing at Life Quest at the Coolidge Center, a state-licensed care facility in Palmer, died on September 3, 2017, after three days of life-threatening symptoms; and

WHEREAS, the Department of Health and Human Services produced an eighty-one page report of violations found during inspections in June and July of 2017 and another six-page report after a visit in September of 2017. These reports were not released until officials revoked the facility's mental health care license on October 5, 2017, a month after the incident occurred. The revocation took effect fifteen days later; and

WHEREAS, the report indicates that the Department of Health and Human Services had known about multiple violations in the months preceding the closure of this facility. If more immediate action had been

taken to remedy these violations or draw attention to the inequities in quality of care standards, a life could have been saved; and

WHEREAS, the circumstances surrounding this event have garnered media attention throughout Nebraska, along with scrutiny from the public. This care facility, along with multiple others in the past few years, including Hotel Pawnee in North Platte and Park View Villa in Gothenburg, have been shut down due to violations regarding maintenance, cleanliness, and personnel issues; and

WHEREAS, the individuals affected by these policies are some of the most vulnerable in our community. The citizens of Nebraska have a right to know the standard of care to which our governmental organizations are held, including, but not limited to, policies, procedures, and regulations regarding oversight of assisted living facilities and mental health centers; and

WHEREAS, under Title II of the Americans with Disabilities Act (ADA) it is illegal for public entities, namely state and local governments, to deny the benefits of programs, services, or activities to qualified individuals with disabilities; and

WHEREAS, the regulations which implement Title II mandate that state governments administer services "in the most integrated settings appropriate to the needs of qualified individuals with disabilities"; and

WHEREAS, the integration mandate in the ADA is implicated when a public entity administers its programs in a manner that results in unjustified segregation of persons with disabilities; and

WHEREAS, a public entity may violate the integration mandate in the ADA when it: (1) Directly or indirectly operates facilities or programs that segregate individuals with disabilities; (2) finances the segregation of individuals with disabilities in private facilities; or (3) through planning, service system design, funding choices, or service implementation practices, promotes or relies upon the segregation of individuals with disabilities in private facilities or programs.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the State-Licensed Care Facilities Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The committee shall elect a chairperson and vice-chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as deemed necessary by the committee.

2. The State-Licensed Care Facilities Special Investigative Committee of the Legislature is hereby authorized to study the lack of adequate conditions of state-licensed care facilities, the treatment of individuals residing in such

facilities, the effectiveness of regulation and licensure by the Division of Public Health in providing oversight, and how the Department of Health and Human Services implements and administers its behavioral health services through the behavioral health regions to address the needs of this vulnerable population. The committee shall also investigate what steps the department has taken to advance the recommendations proposed by the Technical Assistance Collaborative as a consultant to the department, namely, the reasons that assisted living facilities are the primary residential options for individuals with severe and persistent mental illness and alternatives such as permanent supportive housing and services do not exist. The committee shall also investigate whether the department is taking adequate steps to ensure behavioral health services are administered in the most integrated setting pursuant to the ADA. The committee shall utilize existing studies, reports, and legislation developed to address the current conditions. The committee shall not be limited to such studies, reports, or legislation. The committee shall issue a report with its findings and recommendations to the Legislature on or before December 15, 2018.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR296 was referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Lowe name added to LB829.
Senator Hughes name added to LR295CA.

VISITORS

Visitors to the Chamber were Jeff West from Scottsbluff ESU 13 and David Ludwig, Statewide ESU Coordinator, from Fremont.

The Doctor of the Day was Dr. Marlon Weiss from Lincoln.

ADJOURNMENT

At 11:49 a.m., on a motion by Senator Walz, the Legislature adjourned until 9:00 a.m., Wednesday, January 24, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTEENTH DAY - JANUARY 24, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 24, 2018

PRAYER

The prayer was offered by Senator Riepe.

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 Senator Thibodeau who was excused; and Senators McCollister, Morfeld, Murante, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 285. Placed on Select File with amendment.
ER99

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 71-502.03, Reissue Revised Statutes of Nebraska,
4 is amended to read:
5 71-502.03 (1) Every physician, or other person authorized by law to
6 practice obstetrics, who is attending a pregnant woman in the state for
7 conditions relating to her pregnancy during the period of gestation or at
8 delivery shall take or cause to be taken a sample of the blood of such
9 woman at the time of the first examination and shall submit such sample
10 to an approved laboratory for a standard serological test for syphilis.
11 Every other person permitted by law to attend pregnant women in the
12 state, but not permitted by law to take blood samples, shall cause such a
13 sample of the blood of such pregnant women to be taken by a physician,
14 duly licensed to practice either medicine and surgery or obstetrics, or
15 other person authorized by law to take such sample of blood and have such

16 sample submitted to an approved laboratory for a standard serological
17 test for syphilis. The results of all such laboratory tests shall be
18 reported to the Department of Health and Human Services on standard forms
19 prescribed and furnished by the department. For the purpose of this
20 section, a standard serological test shall be a test for syphilis
21 approved by the department and shall be made at a laboratory approved to
22 make such tests by the department. Such laboratory tests, as are required
23 by this section, shall be made on request at the Department of Health and
24 Human Services Laboratory. A fee may be established by rule and
25 regulation by the department to defray no more than the actual cost of
26 such tests. Such fee shall be deposited in the state treasury and
27 credited to the Health and Human Services Cash Fund. In reporting every
1 birth and stillbirth, physicians and others required to make such reports
2 shall state on the portion of the certificate entitled For Medical and
3 Health Use Only whether a blood test for syphilis has been made upon a
4 specimen of blood taken from the woman who bore the child for which a
5 birth or stillbirth certificate is filed and the approximate date when
6 the specimen was taken. No birth certificate shall show the result of
7 such test. If no test was made, the reason shall be stated. The
8 department shall provide the necessary clerical, printing, and other
9 expenses in carrying out this section.

10 (2) Every physician or other person authorized by law to practice
11 obstetrics who is attending a pregnant woman in the state for conditions
12 relating to her pregnancy during the period of gestation shall administer
13 or cause to be administered a test of the pregnant woman's blood for the
14 presence of the human immunodeficiency virus infection unless the
15 pregnant woman has given written informed consent that she does not want
16 to be tested.

17 Sec. 2. Section 71-531, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 71-531 ~~(1)(a) No person may be tested for the presence of the human~~
20 ~~immunodeficiency virus infection unless he or she has given written~~
21 ~~informed consent for the performance of such test. The written informed~~
22 ~~consent shall provide an explanation of human immunodeficiency virus~~
23 ~~infection and the meaning of both positive and negative test results.~~
24 ~~(b) If a person signs a general consent form for the performance of~~
25 ~~medical tests or procedures which informs the person that a test for the~~
26 ~~presence of the human immunodeficiency virus infection may be performed~~
27 ~~and that the person may refuse to have such test performed, the signing~~
28 ~~of an additional consent for the specific purpose of consenting to a test~~
29 ~~related to human immunodeficiency virus is not required during the time~~
30 ~~in which the general consent form is in effect.~~

31 ~~(2) If a person is unable to provide consent, the person's legal~~
1 ~~representative may provide consent. If the person's legal representative~~
2 ~~cannot be located or is unavailable, a health care provider may authorize~~
3 ~~the test when the test results are necessary for diagnostic purposes to~~
4 ~~provide appropriate medical care.~~

5 ~~(1) (3) A person seeking a human immunodeficiency virus test shall~~
6 ~~have the right to remain anonymous. If an anonymous test is requested, a~~

7 A health care provider shall confidentially refer such person to a site
8 which provides anonymous testing.

9 ~~(4) This section shall not apply to:~~

10 ~~(a) The performance by a health care provider or a health facility
11 of a human immunodeficiency virus test when the health care provider or
12 health facility procures, processes, distributes, or uses a human body
13 part for a purpose specified under the Revised Uniform Anatomical Gift
14 Act and such test is necessary to assure medical acceptability of such
15 gift for the purposes intended;~~

16 ~~(2) When (b) The performance by a health care provider or a health
17 facility performs of a human immunodeficiency virus test when such test
18 is performed with the consent and written authorization of the person
19 being tested and such test is for insurance underwriting purposes,
20 written information about the human immunodeficiency virus is provided,
21 including, but not limited to, the identification and reduction of risks,
22 the person is informed of the result of such test, and when the result is
23 positive, the person being tested shall be is referred for posttest
24 treatment, counseling;~~

25 ~~(3) When (e) The performance of a human immunodeficiency virus test
26 is performed by licensed medical personnel of the Department of
27 Correctional Services on an individual when the subject of the test is
28 committed to such department, the . Posttest counseling shall be required
29 for the subject if the test is positive. A person committed to the
30 department Department of Correctional Services shall be informed by the
31 department (a) (i) if he or she is being tested for the human
1 immunodeficiency virus, (b) (ii) that education shall be provided to him
2 or her about the human immunodeficiency virus, including, but not limited
3 to, the identification and reduction of risks, and (c) (iii) of the test
4 result and the meaning of such result. Posttest counseling shall be
5 required for the subject of the test if such test is positive. ;~~

6 ~~(d) Human immunodeficiency virus home collection kits licensed by
7 the federal Food and Drug Administration; or~~

8 ~~(e) The performance of a human immunodeficiency virus test performed
9 pursuant to section 29-2290 or sections 71-507 to 71-513 or 71-514.01 to
10 71-514.05.~~

11 Sec. 3. Original section 71-502.03, Reissue Revised Statutes of
12 Nebraska, and section 71-531, Revised Statutes Cumulative Supplement,
13 2016, are repealed.

14 2. On page 1, strike lines 2 through 6 and insert "section
15 71-502.03, Reissue Revised Statutes of Nebraska, and section 71-531,
16 Revised Statutes Cumulative Supplement, 2016; to provide a duty to test
17 pregnant women, eliminate written informed consent and exemption
18 provisions, and change posttest counseling and treatment provisions
19 relating to testing for human immunodeficiency virus infection; to
20 harmonize provisions; and to repeal the original sections."

LEGISLATIVE BILL 258. Placed on Select File.

LEGISLATIVE BILL 310. Placed on Select File with amendment.

ER97

1 1. On page 1, line 2, after "Nebraska" insert ", and section
2 60-6,383, Revised Statutes Cumulative Supplement, 2016"; and in line 4
3 after "bridges" insert "and operation restrictions for implements of
4 husbandry".

5 2. On page 2, line 30, after the comma insert "and section 60-6,383,
6 Revised Statutes Cumulative Supplement, 2016,".

LEGISLATIVE BILL 472. Placed on Select File with amendment.

ER98

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

2 sections:

3 Section 1. Section 39-220, Revised Statutes Supplement, 2017, is
4 amended to read:

5 39-220 The Department of Transportation may at its discretion
6 require permits for advertising signs, displays, or devices which are
7 placed or allowed to exist along or upon the Highway Beautification
8 Control System ~~any interstate or primary highway or which are at any~~
9 point visible from the main-traveled way of the Highway Beautification
10 Control System, except for on-premise signs, displays, and devices, as
11 defined in the department's rules and regulations, for advertising
12 activities conducted on the property on which the sign, display, or
13 device is located ~~signs located within an area of fifty feet of any~~
14 ~~commercial or industrial building on the premises.~~ Such permits shall be
15 renewed biennially. Each sign shall bear on the side facing the highway
16 the permit number in a readily observable place for inspection purposes
17 from the highway right-of-way. ~~The department is authorized to charge a~~
18 ~~fee to be not less than twenty-five cents or not to exceed fifteen~~
19 ~~dollars for each permit and renewal permit for each individual sign.~~ The
20 department shall adopt and promulgate rules and regulations to implement
21 and administer ~~establishing, and from time to time adjusting, the annual~~
22 ~~fees for the permits to cover the costs of administering~~ sections 39-212
23 to 39-226 ~~and may by rule and regulation provide exceptions from the~~
24 ~~payment of fees for signs advertising eleemosynary or nonprofit public~~
25 ~~service activities, signs designating historical sites, and farm and~~
26 ~~ranch directional signs.~~ The department may revoke the permit for
27 noncompliance reasons and remove the sign if, after thirty days'

1 notification to the sign owner, the sign remains in noncompliance.

2 Printed sale bills not exceeding two hundred sixteen square inches in
3 size shall not require a permit if otherwise conforming.

4 Sec. 2. Original section 39-220, Revised Statutes Supplement, 2017,
5 is repealed.

6 2. On page 1, strike beginning with "Reissue" in line 1 through
7 "Nebraska" in line 2 and insert "Revised Statutes Supplement, 2017"; and
8 in line 5 strike "Roads" and insert "Transportation's".

LEGISLATIVE BILL 78. Placed on Select File.

LEGISLATIVE BILL 345. Placed on Select File.

LEGISLATIVE BILL 486. Placed on Select File with amendment.

ER100

1 1. On page 1, line 5, strike "to establish a fee;".

LEGISLATIVE BILL 275. Placed on Select File with amendment.

ER101

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 60-149, Revised Statutes Supplement, 2017, is

4 amended to read:

5 60-149 (1)(a) If a certificate of title has previously been issued
6 for a vehicle in this state, the application for a new certificate of
7 title shall be accompanied by the certificate of title duly assigned
8 except as otherwise provided in the Motor Vehicle Certificate of Title
9 Act.

10 (b) Except for manufactured homes or mobile homes as provided in
11 subsection (2) of this section, if a certificate of title has not
12 previously been issued for the vehicle in this state or if a certificate
13 of title is unavailable pursuant to subsection (4) of section 52-1801,
14 the application shall be accompanied by:

15 (i) A manufacturer's or importer's certificate except as otherwise
16 provided in subdivision (vii) of this subdivision;

17 (ii) A duly certified copy of the manufacturer's or importer's
18 certificate;

19 (iii) An affidavit by the owner affirming ownership in the case of
20 an all-terrain vehicle, a utility-type vehicle, or a minibike;

21 (iv) A certificate of title from another state;

22 (v) A court order issued by a court of record, a manufacturer's
23 certificate of origin, or an assigned registration certificate, if the
24 law of the state from which the vehicle was brought into this state does
25 not have a certificate of title law;

26 (vi) Documentation prescribed in section 60-142.01, 60-142.02,
27 60-142.04, 60-142.05, or 60-142.09 or documentation of compliance with
1 section 76-1607; or

2 (vii) A manufacturer's or importer's certificate and an affidavit by
3 the owner affirming ownership in the case of a minitruck.

4 (c) If the application for a certificate of title in this state is
5 accompanied by a valid certificate of title issued by another state which
6 meets that state's requirements for transfer of ownership, then the
7 application may be accepted by this state.

8 (d) If a certificate of title has not previously been issued for the
9 vehicle in this state and the applicant is unable to provide such
10 documentation, the applicant may apply for a bonded certificate of title
11 as prescribed in section 60-167.

12 (2)(a) If the application for a certificate of title for a
13 manufactured home or a mobile home is being made in accordance with
14 subdivision (4)(b) of section 60-137 or if the certificate of title for a
15 manufactured home or a mobile home is unavailable pursuant to section
16 52-1801, the application shall be accompanied by proof of ownership in

17 the form of:

18 (i) A duly assigned manufacturer's or importer's certificate;

19 (ii) A certificate of title from another state;

20 (iii) A court order issued by a court of record;

21 (iv) Evidence of ownership as provided for in section 30-24,125,

22 sections 52-601.01 to 52-605, sections 60-1901 to 60-1911 and section 3

23 of this act, or sections 60-2401 to 60-2411, or documentation of

24 compliance with section 76-1607; or

25 (v) Assessment records for the manufactured home or mobile home from
26 the county assessor and an affidavit by the owner affirming ownership.

27 (b) If the applicant cannot produce proof of ownership described in

28 subdivision (a) of this subsection, he or she may submit to the

29 department such evidence as he or she may have, and the department may

30 thereupon, if it finds the evidence sufficient, issue the certificate of

31 title or authorize the county treasurer to issue a certificate of title,

1 as the case may be.

2 (3) For purposes of this section, certificate of title includes a

3 salvage certificate, a salvage branded certificate of title, or any other

4 document of ownership issued by another state or jurisdiction for a

5 salvage vehicle. Only a salvage branded certificate of title shall be

6 issued to any vehicle conveyed upon a salvage certificate, a salvage

7 branded certificate of title, or any other document of ownership issued

8 by another state or jurisdiction for a salvage vehicle.

9 (4) The county treasurer shall retain the evidence of title

10 presented by the applicant and on which the certificate of title is

11 issued.

12 Sec. 2. Section 60-166, Revised Statutes Supplement, 2017, is

13 amended to read:

14 60-166 (1) In the event of (a) the transfer of ownership of a

15 vehicle by operation of law as upon inheritance, devise, or bequest,

16 order in bankruptcy, insolvency, replevin, or execution sale or as

17 provided in sections 30-24,125, 52-601.01 to 52-605, 60-1901 to 60-1911

18 and section 3 of this act, and 60-2401 to 60-2411, (b) the engine of a

19 vehicle being replaced by another engine, (c) a vehicle being sold to

20 satisfy storage or repair charges or under section 76-1607, or (d)

21 repossession being had upon default in performance of the terms of a

22 chattel mortgage, trust receipt, conditional sales contract, or other

23 like agreement, and upon acceptance of an electronic certificate of title

24 record after repossession, in addition to the title requirements in this

25 section, the county treasurer of any county or the department, upon the

26 surrender of the prior certificate of title or the manufacturer's or

27 importer's certificate, or when that is not possible, upon presentation

28 of satisfactory proof of ownership and right of possession to such

29 vehicle, and upon payment of the appropriate fee and the presentation of

30 an application for certificate of title, may issue to the applicant a

31 certificate of title thereto. If the prior certificate of title issued

1 for such vehicle provided for joint ownership with right of survivorship,

2 a new certificate of title shall be issued to a subsequent purchaser upon

3 the assignment of the prior certificate of title by the surviving owner

4 and presentation of satisfactory proof of death of the deceased owner.
5 Only an affidavit by the person or agent of the person to whom possession
6 of such vehicle has so passed, setting forth facts entitling him or her
7 to such possession and ownership, together with a copy of the journal
8 entry, court order, or instrument upon which such claim of possession and
9 ownership is founded, shall be considered satisfactory proof of ownership
10 and right of possession, except that if the applicant cannot produce such
11 proof of ownership, he or she may submit to the department such evidence
12 as he or she may have, and the department may thereupon, if it finds the
13 evidence sufficient, issue the certificate of title or authorize any
14 county treasurer to issue a certificate of title, as the case may be.
15 (2) If from the records of the county treasurer or the department
16 there appear to be any liens on such vehicle, such certificate of title
17 shall comply with section 60-164 or 60-165 regarding such liens unless
18 the application is accompanied by proper evidence of their satisfaction
19 or extinction.

20 Sec. 3. (1) A law enforcement agency is authorized to remove an
21 abandoned or trespassing vehicle from private property upon the request
22 of the private property owner on whose property the vehicle is located
23 and upon information indicating that the vehicle is an abandoned or
24 trespassing vehicle. After removal, the law enforcement agency with
25 custody of the vehicle shall follow the procedures in sections 60-1902
26 and 60-1903.

27 (2) A law enforcement agency is authorized to contact a private
28 towing service in order to remove an abandoned or trespassing vehicle
29 from private property upon the request of the private property owner on
30 whose property the vehicle is located and upon information indicating
31 that the vehicle is an abandoned or trespassing vehicle. A vehicle towed
1 away under this subsection is subject to sections 52-601.01 to 52-605 by
2 the private towing service which towed the vehicle.

3 (3) A private property owner is authorized to remove or cause the
4 removal of an abandoned or trespassing vehicle from such property and may
5 contact a private towing service for such removal. A private towing
6 service that tows the vehicle shall notify, within twenty-four hours, the
7 designated law enforcement agency in the jurisdiction from which the
8 vehicle is removed and provide the registration plate number, the vehicle
9 identification number, if available, the make, model, and color of the
10 vehicle, and the name of the private towing service and the location, if
11 applicable, where the private towing service is storing the vehicle. A
12 vehicle towed away under this subsection is subject to sections 52-601.01
13 to 52-605 and 60-2410 by the private towing service that towed the
14 vehicle.

15 (4) For purposes of this section, a trespassing vehicle is a vehicle
16 that is parked without permission on private property that is not
17 typically made available for public parking.

18 Sec. 4. Section 60-1906, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 60-1906 Neither the owner, owner's agent, owner's employee, lessee,
21 nor occupant of the premises from which any abandoned vehicle is removed,

22 nor the state, city, village, or county, shall be liable for any loss or
23 damage to such vehicle which occurs during its removal or while in the
24 possession of the state, city, village, or county or its contractual
25 agent, while in the possession of a private towing service, or as a
26 result of any subsequent disposition.

27 Sec. 5. Section 60-1910, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 60-1910 The Director of Motor Vehicles shall adopt and promulgate
30 rules and regulations providing for such forms and procedures as are
31 necessary or desirable to effectuate the provisions of sections 60-1901
1 to 60-1911 and section 3 of this act. Such rules and regulations may
2 include procedures for the removal and disposition of vehicle
3 identification numbers of abandoned vehicles, forms for local records for
4 abandoned vehicles, and inquiries relating to ownership of such vehicles.

5 Sec. 6. Section 60-1911, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 60-1911 Except as provided in section 60-1908, any person violating
8 the provisions of sections 60-1901 to 60-1911 and section 3 of this act
9 shall be guilty of a Class II misdemeanor.

10 Sec. 7. Sections 2 and 8 of this act become operative on January 1,
11 2019. The other sections of this act become operative on their effective
12 date.

13 Sec. 8. Original section 60-166, Revised Statutes Supplement, 2017,
14 is repealed.

15 Sec. 9. Original sections 60-1906, 60-1910, and 60-1911, Reissue
16 Revised Statutes of Nebraska, and section 60-149, Revised Statutes
17 Supplement, 2017, are repealed.

18 2. On page 1, line 3, strike "Cumulative"; in line 4 strike "2016"
19 and insert "2017; to define a term" and strike "officers and" and insert
20 "agencies and private towing services; to provide"; and in line 6 after
21 the second semicolon insert "to provide operative dates;".

LEGISLATIVE BILL 618. Placed on Select File with amendment.
ER102

1 1. On page 2, line 5, after "75-301" insert an underscored comma.

(Signed) Anna Wishart, Chairperson

NOTICE OF COMMITTEE HEARING(S)
General Affairs

Room 1510

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

LB734
LB1120

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

LB1102
LR294CA
LB984

(Signed) Tyson Larson, Chairperson

Revenue

Room 1524

Wednesday, January 31, 2018 1:30 p.m.

LB947

(Signed) Jim Smith, Chairperson

AMENDMENT(S) - Print in Journal

Senator Geist filed the following amendment to LB394:

AM1504

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 28-1206, Revised Statutes Supplement, 2017, is
- 4 amended to read:
- 5 28-1206 (1) A person commits the offense of possession of a deadly
- 6 weapon by a prohibited person if he or she:
- 7 (a) Possesses a firearm, a knife, or brass or iron knuckles and he
- 8 or she:
- 9 (i) Has previously been convicted of a felony;
- 10 (ii) Is a fugitive from justice;
- 11 (iii) Is the subject of a current and validly issued domestic
- 12 violence protection order; or ;
- 13 (iv) Is the subject of a current and validly issued harassment
- 14 protection order; or sexual assault protection order and is knowingly
- 15 violating such order; or
- 16 (b) Possesses a firearm or brass or iron knuckles and he or she has
- 17 been convicted within the past seven years of a misdemeanor crime of
- 18 domestic violence.
- 19 (2) The felony conviction may have been had in any court in the
- 20 United States, the several states, territories, or possessions, or the
- 21 District of Columbia.
- 22 (3)(a) Possession of a deadly weapon which is not a firearm by a
- 23 prohibited person is a Class III felony.
- 24 (b) Possession of a deadly weapon which is a firearm by a prohibited
- 25 person is a Class ID felony for a first offense and a Class IB felony for
- 26 a second or subsequent offense.
- 27 (4) Subdivision (1)(a)(i) of this section shall not prohibit:

- 1 (a) Possession of archery equipment for lawful purposes; or
2 (b) If in possession of a recreational license, possession of a
3 knife for purposes of butchering, dressing, or otherwise processing or
4 harvesting game, fish, or furs.
- 5 (5)(a) For purposes of this section, misdemeanor crime of domestic
6 violence means a crime that:
- 7 (i) Is classified as a misdemeanor under the laws of the United
8 States or the District of Columbia or the laws of any state, territory,
9 possession, or tribe;
- 10 (ii) Has, as an element, the use or attempted use of physical force
11 or the threatened use of a deadly weapon; and
- 12 (iii) Is committed by another against his or her spouse, his or her
13 former spouse, a person with whom he or she has a child in common whether
14 or not they have been married or lived together at any time, or a person
15 with whom he or she is or was involved in a dating relationship as
16 defined in section 28-323.
- 17 (b) For purposes of this section, misdemeanor crime of domestic
18 violence also includes the following offenses, if committed by a person
19 against his or her spouse, his or her former spouse, a person with whom
20 he or she is or was involved in a dating relationship as defined in
21 section 28-323, or a person with whom he or she has a child in common
22 whether or not they have been married or lived together at any time:
- 23 (i) Assault in the third degree under section 28-310;
- 24 (ii) Stalking under subsection (1) of section 28-311.04;
- 25 (iii) False imprisonment in the second degree under section 28-315;
- 26 (iv) First offense domestic assault in the third degree under
27 subsection (1) of section 28-323; or
- 28 (v) Any attempt or conspiracy to commit any of such offenses.
- 29 (c) A person shall not be considered to have been convicted of a
30 misdemeanor crime of domestic violence unless:
- 31 (i) The person was represented by counsel in the case or knowingly
1 and intelligently waived the right to counsel in the case; and
- 2 (ii) In the case of a prosecution for a misdemeanor crime of
3 domestic violence for which a person was entitled to a jury trial in the
4 jurisdiction in which the case was tried, either:
- 5 (A) The case was tried to a jury; or
- 6 (B) The person knowingly and intelligently waived the right to have
7 the case tried to a jury.
- 8 (6) In addition, for purposes of this section:
- 9 (a) Archery equipment means:
- 10 (i) A longbow, recurve bow, compound bow, or nonelectric crossbow
11 that is drawn or cocked with human power and released by human power; and
- 12 (ii) Target or hunting arrows, including arrows with broad, fixed,
13 or removable heads or that contain multiple sharp cutting edges;
- 14 (b) Domestic violence protection order means a protection order
15 issued pursuant to section 42-924 and after a hearing of which the person
16 subject to the order received actual notice and at which he or she had an
17 opportunity to participate;
- 18 (c) Harassment protection order means: (i) A a protection order

19 issued pursuant to section 28-311.09 and after a hearing of which the
 20 person subject to the order received actual notice and at which he or she
 21 had an opportunity to participate; or (ii) a protection order that meets
 22 or exceeds the criteria set forth in section 28-311.10 regarding
 23 protection orders issued by a court in any other state or a territory,
 24 possession, or tribe;

25 (d) Recreational license means a state-issued license, certificate,
 26 registration, permit, tag, sticker, or other similar document or
 27 identifier evidencing permission to hunt, fish, or trap for furs in the
 28 State of Nebraska; and

29 (e) Sexual assault protection order means: (i) ~~A~~ a protection order
 30 issued pursuant to section 28-311.11 and after a hearing of which the
 31 person subject to the order received actual notice and at which he or she
 1 had an opportunity to participate; or (ii) a protection order that meets
 2 or exceeds the criteria set forth in section 28-311.12 regarding
 3 protection orders issued by a court in any other state or a territory,
 4 possession, or tribe.

5 Sec. 2. Section 42-924, Revised Statutes Supplement, 2017, is
 6 amended to read:

7 42-924 (1)(a) ~~(1)~~ Any victim of domestic abuse may file a petition
 8 and affidavit for a protection order as provided in subsections (2) and
 9 (3) of this section. Upon the filing of such a petition and affidavit in
 10 support thereof, the court may issue a protection order without bond
 11 granting the following relief:

12 (i) ~~(a)~~ Enjoining the respondent from imposing any restraint upon
 13 the petitioner or upon the liberty of the petitioner;

14 (ii) ~~(b)~~ Enjoining the respondent from threatening, assaulting,
 15 molesting, attacking, or otherwise disturbing the peace of the
 16 petitioner;

17 (iii) ~~(c)~~ Enjoining the respondent from telephoning, contacting, or
 18 otherwise communicating with the petitioner;

19 (iv) ~~(d)~~ Removing and excluding the respondent from the residence of
 20 the petitioner, regardless of the ownership of the residence;

21 (v) ~~(e)~~ Ordering the respondent to stay away from any place
 22 specified by the court;

23 (vi) ~~(f)~~ Awarding the petitioner temporary custody of any minor
 24 children not to exceed ninety days; or

25 ~~(g) Enjoining the respondent from possessing or purchasing a firearm~~
 26 ~~as defined in section 28-1201; or~~

27 (vii) ~~(h)~~ Ordering such other relief deemed necessary to provide for
 28 the safety and welfare of the petitioner and any designated family or
 29 household member.

30 (b) If a protection order is issued pursuant to this section after a
 31 hearing of which the respondent received actual notice and at which the
 1 respondent had an opportunity to participate, the court shall enjoin the
 2 respondent from purchasing or possessing a firearm, as defined in section
 3 28-1201, and shall inform the respondent that such possession is a felony
 4 under section 28-1206.

5 (2) Petitions for protection orders shall be filed with the clerk of

6 the district court, and the proceeding may be heard by the county court
 7 or the district court as provided in section 25-2740. A petition for a
 8 protection order may not be withdrawn except upon order of the court.
 9 (3)(a) A protection order shall specify that it is effective for a
 10 period of one year and, if the order grants temporary custody, the number
 11 of days of custody granted to the petitioner unless otherwise modified by
 12 the court.
 13 (b) Any victim of domestic abuse may file a petition and affidavit
 14 to renew a protection order. Such petition and affidavit for renewal
 15 shall be filed on or after thirty days before the expiration of the
 16 previous protection order. Such renewed order shall specify that it is
 17 effective for a period of one year to commence on the first day following
 18 the expiration of the previous order and, if the court grants temporary
 19 custody, the number of days of custody granted to the petitioner unless
 20 otherwise modified by the court.
 21 (4) Any person who knowingly violates a protection order issued
 22 pursuant to this section or section 42-931 after service or notice as
 23 described in subsection (2) of section 42-926 shall be guilty of a Class
 24 I misdemeanor, except that any person convicted of violating such order
 25 who has a prior conviction for violating a protection order shall be
 26 guilty of a Class IV felony.
 27 (5) If there is any conflict between sections 42-924 to 42-926 and
 28 any other provision of law, sections 42-924 to 42-926 shall govern.
 29 Sec. 3. Original sections 28-1206 and 42-924, Revised Statutes
 30 Supplement, 2017, are repealed.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 881. Placed on General File.
LEGISLATIVE BILL 882. Placed on General File.

(Signed) Jim Smith, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 297. Introduced by Ebke, 32.

WHEREAS, the Crete High School softball team won the 2017 Class B State Softball Championship; and

WHEREAS, the Crete Cardinals defeated the Seward Bluejays by a score of 12-2 in the championship game; and

WHEREAS, this is the first Class B title for the Cardinals softball team; and

WHEREAS, Coach Shawn Carr led the team to finish the season with a 26-9 record; 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 Crete Cardinals for their outstanding season and for winning the 2017 Class B State Softball Championship.

2. That a copy of this resolution be sent to the Crete Cardinals and Coach Shawn Carr.

Laid over.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Bolz has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR287 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR287.

MOTION(S) - Withdraw LB1017

Senator Krist offered his motion, MO178, found on page 363, to withdraw LB1017.

Senator Krist moved for a call of the house. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Senator Krist requested a roll call vote on the motion to withdraw the bill.

Voting in the affirmative, 40:

Albrecht	Clements	Harr	Larson	Scheer
Baker	Crawford	Hilgers	Lindstrom	Schumacher
Bolz	Ebke	Hilkemann	Linehan	Smith
Bostelman	Friesen	Hughes	McCollister	Stinner
Brasch	Geist	Kolowski	McDonnell	Vargas
Brewer	Groene	Kolterman	Murante	Watermeier
Briese	Halloran	Krist	Quick	Wayne
Chambers	Hansen	Kuehn	Riepe	Williams

Voting in the negative, 7:

Blood	Howard	Morfeld	Wishart
Erdman	Lowe	Pansing Brooks	

Present and not voting, 1:

Walz

Excused and not voting, 1:

Thibodeau

The Krist motion to withdraw the bill prevailed with 40 ayes, 7 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING(S)

Appropriations

Room 1524

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

LB677

LB715

LB864

LB985

LB1101

Agency 28 - Veterans' Affairs, Department of

Agency 25 - Health and Human Services

Note: Hearing regarding the restriction on use of Federal Title X program funds (LB944, Section 71) to be held on February 5

Tuesday, February 13, 2018 1:30 p.m.

Agency 5 - Supreme Court

Agency 15 - Parole, Nebraska Board of

Agency 64 - State Patrol, Nebraska

Agency 78 - Nebraska Commission on Law Enforcement and Criminal Justice

LB716

LB871

LB861

Agency 46 - Correctional Services, Department of

Room 2102

Wednesday, February 14, 2018 1:30 p.m.

Agency 51 - University of Nebraska System

Room 1003

Thursday, February 15, 2018 1:30 p.m.

LB1002

LB1055

LB1061

LB1062

(Signed) John Stinner, Chairperson

Executive Board

Room 2102

Wednesday, January 31, 2018 12:00 p.m.

LB809

LB1018

(Signed) Dan Watermeier, Chairperson

Natural Resources

Room 1525

Wednesday, January 31, 2018 1:30 p.m.

Joseph Citta - Environmental Quality Council

Mohamed Dahab - Environmental Quality Council

LB820

Thursday, February 1, 2018 1:30 p.m.

Lance Hedquist - Environmental Quality Council

Robert Hall - Environmental Quality Council

Ryan McIntosh - Nebraska Environmental Trust Board

LB1054

(Signed) Dan Hughes, Chairperson

Health and Human Services

Room 1510

Wednesday, January 31, 2018 1:30 p.m.

LB681
LB979
LB958

Thursday, February 1, 2018 1:30 p.m.

LB1044
LB787
LB903

(Signed) Merv Riepe, Chairperson

AMENDMENT(S) - Print in JournalSenator Wayne filed the following amendment to LB729:

AM1623

1 1. Strike the original sections and insert the following new
2 sections:3 Section 1. Section 81-8,219, Revised Statutes Supplement, 2017, is
4 amended to read:

5 81-8,219 The State Tort Claims Act shall not apply to:

6 (1) Any claim based upon an act or omission of an employee of the
7 state, exercising due care, in the execution of a statute, rule, or
8 regulation, whether or not such statute, rule, or regulation is valid, or
9 based upon the exercise or performance or the failure to exercise or
10 perform a discretionary function or duty on the part of a state agency or
11 an employee of the state, whether or not the discretion is abused;12 (2) Any claim arising with respect to the assessment or collection
13 of any tax or fee, or the detention of any goods or merchandise by any
14 law enforcement officer;15 (3) Any claim for damages caused by the imposition or establishment
16 of a quarantine by the state whether such quarantine relates to persons
17 or property;18 (4) Any claim arising out of assault, battery, false imprisonment,
19 false arrest, malicious prosecution, abuse of process, libel, slander,
20 ~~misrepresentation, deceit~~, or interference with contract rights;21 (5) Any claim arising out of misrepresentation or deceit, except
22 that the State Tort Claims Act shall apply to a claim arising out of
23 misrepresentation or deceit by the Department of Health and Human
24 Services in failing to warn, notify, or inform of a ward's history as a
25 victim or perpetrator of sexual abuse in cases of adoption or placement;26 ~~(6)~~ (5) Any claim by an employee of the state which is covered by
27 the Nebraska Workers' Compensation Act;

1 ~~(7)~~ ~~(6)~~ Any claim based on activities of the Nebraska National Guard
2 when such claim is cognizable under the Federal Tort Claims Act, 28
3 U.S.C. 2674, or the federal National Guard Tort Claims Act of the United
4 States, 32 U.S.C. 715, or when such claim accrues as a result of active
5 federal service or state service at the call of the Governor for quelling
6 riots and civil disturbances;

7 ~~(8)~~ ~~(7)~~ Any claim based upon the failure to make an inspection or
8 making an inadequate or negligent inspection of any property other than
9 property owned by or leased to the state to determine whether the
10 property complies with or violates any statute, ordinance, rule, or
11 regulation or contains a hazard to public health or safety unless the
12 state had reasonable notice of such hazard or the failure to inspect or
13 inadequate or negligent inspection constitutes a reckless disregard for
14 public health or safety;

15 ~~(9)~~ ~~(8)~~ Any claim based upon the issuance, denial, suspension, or
16 revocation of or failure or refusal to issue, deny, suspend, or revoke
17 any permit, license, certificate, or order. Such claim shall also not be
18 filed against a state employee acting within the scope of his or her
19 office. Nothing in this subdivision shall be construed to limit the
20 state's liability for any claim based upon the negligent execution by a
21 state employee in the issuance of a certificate of title under the Motor
22 Vehicle Certificate of Title Act and the State Boat Act except when such
23 title is issued upon an application filed electronically by an approved
24 licensed dealer participating in the electronic dealer services system
25 pursuant to section 60-1507;

26 ~~(10)~~ ~~(9)~~ Any claim arising out of the malfunction, destruction, or
27 unauthorized removal of any traffic or road sign, signal, or warning
28 device unless it is not corrected by the governmental entity responsible
29 within a reasonable time after actual or constructive notice of such
30 malfunction, destruction, or removal. Nothing in this subdivision shall
31 give rise to liability arising from an act or omission of any
1 governmental entity in placing or removing any traffic or road signs,
2 signals, or warning devices when such placement or removal is the result
3 of a discretionary act of the governmental entity;

4 ~~(11)~~ ~~(10)~~ Any claim arising out of snow or ice conditions or other
5 temporary conditions caused by nature on any highway as defined in
6 section 60-624, bridge, public thoroughfare, or other state-owned public
7 place due to weather conditions. Nothing in this subdivision shall be
8 construed to limit the state's liability for any claim arising out of the
9 operation of a motor vehicle by an employee of the state while acting
10 within the course and scope of his or her employment by the state;

11 ~~(12)~~ ~~(11)~~ Any claim arising out of the plan or design for the
12 construction of or an improvement to any highway as defined in such
13 section or bridge, either in original construction or any improvement
14 thereto, if the plan or design is approved in advance of the construction
15 or improvement by the governing body of the governmental entity or some
16 other body or employee exercising discretionary authority to give such
17 approval;

18 ~~(13)~~ ~~(12)~~ Any claim arising out of the alleged insufficiency or want

19 of repair of any highway as defined in such section, bridge, or other
20 public thoroughfare. Insufficiency or want of repair shall be construed
21 to refer to the general or overall condition and shall not refer to a
22 spot or localized defect. The state shall be deemed to waive its immunity
23 for a claim due to a spot or localized defect only if the state has had
24 actual or constructive notice of the defect within a reasonable time to
25 allow repair prior to the incident giving rise to the claim;

26 ~~(14)(a)~~ ~~(13)(a)~~ Any claim relating to recreational activities on
27 property leased, owned, or controlled by the state for which no fee is
28 charged (i) resulting from the inherent risk of the recreational
29 activity, (ii) arising out of a spot or localized defect of the premises
30 unless the spot or localized defect is not corrected within a reasonable
31 time after actual or constructive notice of the spot or localized defect,
1 or (iii) arising out of the design of a skatepark or bicycle motocross
2 park constructed for purposes of skateboarding, inline skating,
3 bicycling, or scootering that was constructed or reconstructed,
4 reasonably and in good faith, in accordance with generally recognized
5 engineering or safety standards or design theories in existence at the
6 time of the construction or reconstruction. For purposes of this
7 subdivision, the state shall be charged with constructive notice only
8 when the failure to discover the spot or localized defect of the premises
9 is the result of gross negligence.

10 (b) For purposes of this subdivision:

11 (i) Recreational activities include, but are not limited to, whether
12 as a participant or spectator: Hunting, fishing, swimming, boating,
13 camping, picnicking, hiking, walking, running, horseback riding, use of
14 trails, nature study, waterskiing, winter sports, use of playground
15 equipment, biking, roller blading, skateboarding, golfing, athletic
16 contests; visiting, viewing, or enjoying entertainment events, festivals,
17 or historical, archaeological, scenic, or scientific sites; and similar
18 leisure activities;

19 (ii) Inherent risk of recreational activities means those risks that
20 are characteristic of, intrinsic to, or an integral part of the activity;

21 (iii) Gross negligence means the absence of even slight care in the
22 performance of a duty involving an unreasonable risk of harm; and

23 (iv) Fee means a fee to participate in or be a spectator at a
24 recreational activity. A fee shall include payment by the claimant to any
25 person or organization other than the state only to the extent the state
26 retains control over the premises or the activity. A fee shall not
27 include payment of a fee or charge for parking or vehicle entry.

28 (c) This subdivision, and not subdivision ~~(8)~~ ~~(7)~~ of this section,
29 shall apply to any claim arising from the inspection or failure to make
30 an inspection or negligent inspection of premises owned or leased by the
31 state and used for recreational activities; or

1 ~~(15)~~ ~~(14)~~ Any claim arising as a result of a special event during a
2 period of time specified in a notice provided by a political subdivision
3 pursuant to subsection (3) of section 39-1359.

4 Sec. 2. Original section 81-8,219, Revised Statutes Supplement,
5 2017, is repealed.

COMMITTEE REPORT(S)

Natural Resources

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

Douglas Zingula - Game and Parks Commission

Aye: 7 Albrecht, Bostelman, Geist, Hughes, Kolowski, McCollister, Quick.
Nay: 0. Absent: 1 Walz. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 298. Introduced by McCollister, 20.

WHEREAS, the Omaha Westside Warriors won the 2017-18 Girls' Metro Holiday Basketball Tournament; and

WHEREAS, the 73-49 victory over the Millard South Patriots earned the Warriors their third holiday championship and their first since the 2002-03 season; and

WHEREAS, the Warriors won four tournament games by an average of 28 points and handed two previously unbeaten metro teams their first losses of the season; and

WHEREAS, the Warriors brought great pride to their school, their district, their community, their friends and their families as they carried the momentum throughout the holiday tournament.

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 2017-18 Girls' Metro Holiday Basketball Tournament.

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

Laid over.

LEGISLATIVE RESOLUTION 299. Introduced by Kolterman, 24.

WHEREAS, the York High School football team won the 2017 Class B State Football Championship; and

WHEREAS, this is the first state title for the York Dukes football program; and

WHEREAS, the Dukes shut out Omaha Skutt 31-0 in the championship game; and

WHEREAS, Coach Glen Snodgrass provided the leadership to cap a winning season with a state championship; 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 York High School football team on winning the Class B State Football Championship.
2. That a copy of this resolution be sent to York High School and Coach Glen Snodgrass.

Laid over.

LEGISLATIVE RESOLUTION 300. Introduced by Kolterman, 24.

WHEREAS, Jill Johnson from Seward High School has been named the 2018 Assistant Principal of the Year by the Nebraska State Association of Secondary School Principals; and

WHEREAS, Mrs. Johnson received a bachelor of arts degree in language arts education from the University of Nebraska at Kearney in 1991, a master's degree in instructional technology from Peru State College in 2000, and a master's degree in educational administration from Concordia University in Seward in 2017; and

WHEREAS, after seventeen years in the classroom and then working as a professional development consultant for ESU 6 in Milford and serving as an adjunct professor for Doane College and Southeast Community College, Mrs. Johnson has served as the assistant principal at Seward High School for the past two years; and

WHEREAS, Mrs. Johnson strives to bring energy and enthusiasm to everything she does, with an emphasis on highlighting the best in others.

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

1. That the Legislature congratulates Jill Johnson on being honored as the 2018 Assistant Principal of the Year.
2. That a copy of this resolution be sent to Jill Johnson at Seward High School.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 758. Title read. Considered.

SENATOR LINDSTROM PRESIDING

Committee AM1573, found on page 382, was offered.

SPEAKER SCHEER PRESIDING

Senator Chambers offered the following amendment to the committee amendment:

FA92

Amend AM1573

Page 1, line 7 after "may" insert "not".

Pending.

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

Room 1507

Wednesday, January 31, 2018 1:30 p.m.

LB943

LB850

LB1128

(Signed) John Murante, Chairperson

AMENDMENT(S) - Print in Journal

Senators Lindstrom and Vargas filed the following amendment to LB548: AM1529 is available in the Bill Room.

Senator Linehan filed the following amendment to LB651: AM1590

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Sections 1 to 8 of this act shall be known and may be
4 cited as the Nebraska Reading Improvement Act.
5 Sec. 2. It is the intent of the Legislature that:
6 (1) School boards develop policies to facilitate reading instruction
7 and create intervention services to address student reading needs,
8 including, but not limited to, dyslexia;
9 (2) All teachers for kindergarten through grade three should be
10 highly effective reading teachers as evidenced by (a) evaluations based
11 on classroom observations and student improvement on reading assessments,
12 (b) an endorsement related to reading instruction, or (c) specialized
13 training in reading improvement;
14 (3) Each student and his or her parents or guardians be informed of
15 the student's reading progress; and
16 (4) Each student in a public school be able to read at or above
17 grade level by third grade.
18 Sec. 3. (1) For the 2019-20 school year and each school year
19 thereafter, each school district shall administer an approved reading
20 assessment three times during such school year to all students in

21 kindergarten through grade three, except any student receiving
22 specialized instruction for limited English proficiency who has been
23 receiving such instruction for less than two years and any student
24 receiving special education services for whom such assessment would
25 conflict with the individualized education plan. The first administration
26 of such assessment for each such school year shall occur within the first
27 thirty days of the school year.

1 (2) For purposes of this section, an approved reading assessment
2 means an assessment of student reading skills approved by the State
3 Department of Education which:

4 (a) Measures progress toward proficiency in the reading skills
5 assessed pursuant to subsection (5) of section 79-760.03 on the statewide
6 assessment of reading for grade three;

7 (b) Is valid and reliable;

8 (c) Is aligned with academic content standards for reading adopted
9 by either the board pursuant to section 79-760.01 or the school district
10 administering such assessment pursuant to section 79-760.02; and

11 (d) Allows teachers access to results in a reasonable time period as
12 established by the department, not to exceed fifteen working days.

13 (3) On or before March 1, 2019, and on or before each March 1
14 thereafter, the board shall make public a list for the subsequent school
15 year of approved reading assessments and the threshold level of
16 performance for each such assessment below which a student will be
17 identified as having a reading deficiency for purposes of the Nebraska
18 Reading Improvement Act. The department shall make recommendations to
19 school districts regarding commercially available reading assessments
20 from which to choose.

21 (4) On or before March 1, 2019, and as needed thereafter, the
22 department shall make public the threshold level of performance for the
23 statewide assessment of reading administered pursuant to section
24 79-760.03 for grade three below which a student will be identified as
25 having a reading deficiency for purposes of the Nebraska Reading
26 Improvement Act.

27 (5) Diagnostic assessments used within a supplemental reading
28 intervention program do not require department approval.

29 Sec. 4. (1) Any student in kindergarten, grade one, grade two, or
30 grade three shall be identified as having a reading deficiency if such
31 student performs below the threshold level set pursuant to section 3 of
1 this act on an approved reading assessment. A student who is identified
2 as having a reading deficiency pursuant to this subsection shall remain
3 identified as having a reading deficiency until the student performs at
4 or above the threshold level on an approved reading assessment or at or
5 above the threshold level on the statewide assessment of reading
6 administered pursuant to section 79-760.03 for the grade level of such
7 student.

8 (2) Any student in grade four or higher shall be identified as
9 having a reading deficiency if such student performed below the threshold
10 level established pursuant to section 3 of this act on the statewide
11 assessment of reading administered pursuant to section 79-760.03 for the
12 grade level of such student. A student who is identified as having a
13 reading deficiency pursuant to this subsection shall remain identified as

14 having a reading deficiency until the student performs at or above the
15 threshold level on a subsequent administration of the statewide
16 assessment of reading administered pursuant to section 79-760.03 for the
17 grade level of such student.

18 (3) Nothing in the Nebraska Reading Improvement Act shall prohibit a
19 school district from identifying any other student as having a reading
20 deficiency.

21 Sec. 5. Each school district shall provide a supplemental reading
22 intervention program for the purpose of ensuring that students can read
23 at or above grade level at the end of third grade. School districts may
24 work collaboratively with educational service units, with learning
25 communities, or through interlocal agreements to develop and provide such
26 supplemental reading intervention programs. Each supplemental reading
27 intervention program shall:

28 (1) Be provided to any student identified as having a reading
29 deficiency;

30 (2) Be implemented during regular school hours in addition to
31 regular reading instruction unless otherwise agreed to by a parent or
1 guardian;

2 (3) Utilize reading intervention techniques that are based on
3 scientific research;

4 (4) Administer diagnostic assessments to frequently monitor student
5 progress throughout the school year and adjust instruction accordingly;

6 (5) Provide intensive development in phonemic awareness, phonics,
7 fluency, vocabulary, and reading comprehension;

8 (6) Provide explicit and systematic instruction with detailed
9 explanations, extensive opportunities for guided practice, and
10 opportunities for error corrections and feedback;

11 (7) Provide daily targeted small-group reading intervention based on
12 student needs as determined by diagnostic assessment data;

13 (8) Provide parents and guardians with strategies and resources to
14 assist with reading skills at home, including parent training workshops
15 and suggestions for parent-guided home reading;

16 (9) Encourage access to optional before-school or after-school
17 supplemental reading intervention with a teacher or tutor who has
18 specialized training in reading intervention; and

19 (10) Provide access, without charge, to a summer reading camp each
20 summer with a minimum of sixty hours of instructional time in reading for
21 any student who has been enrolled in grade one or higher and is
22 identified as continuing to have a reading deficiency at the conclusion
23 of the school year preceding such summer reading camp. Such summer
24 reading camps can be held in conjunction with already existing summer
25 reading programs.

26 Sec. 6. (1) The school of any student who is identified as having a
27 reading deficiency shall notify such student's parents or guardians in
28 writing no later than fifteen working days after the identification of
29 the reading deficiency that the student has been identified as having a
30 reading deficiency and that an individual reading improvement plan will
31 be established and shared with parents or guardians.

1 (2) Any student who is identified as having a reading deficiency
2 shall receive an individual reading improvement plan no later than thirty

3 days after the identification of such reading deficiency. The reading
4 improvement plan may be created by the teacher, the principal, other
5 pertinent school personnel, and the parents or guardians of the student
6 and shall describe the reading intervention services the student will
7 receive through the supplemental reading intervention program pursuant to
8 section 5 of this act to remedy such reading deficiency. Each such
9 student shall receive reading intervention services through the
10 supplemental reading intervention program pursuant to section 5 of this
11 act until the student is no longer identified as having a reading
12 deficiency.
13 Sec. 7. By September 1 of each year, each school board shall
14 annually report in writing to the State Department of Education the
15 following information on the prior school year:
16 (1) By grade, the number and percentage of all students in
17 kindergarten, first grade, second grade, and third grade who were
18 identified as having a reading deficiency at the beginning of the school
19 year and who were no longer identified as having a reading deficiency at
20 the end of the school year; and
21 (2) By grade, the number and percentage of all students in
22 kindergarten, first grade, second grade, and third grade who were
23 identified as having a reading deficiency as of the end of the school
24 year.
25 (3) Any report pursuant to this section shall comply with any
26 standards used by the department to protect the individual identity of a
27 student.
28 Sec. 8. (1) The State Department of Education shall establish a
29 uniform format for school districts to report the information required
30 pursuant to section 7 of this act. The format shall be developed with
31 input from school boards and shall be provided to each school district no
1 later than ninety days prior to the annual due date.
2 (2) The department shall annually compile the information submitted
3 under section 7 of this act along with state-level summary information
4 and report such information to the public, the Governor, and
5 electronically to the Legislature on or before October 1 of each year.
6 (3) The department shall provide technical assistance as needed to
7 assist school boards in carrying out the Nebraska Reading Improvement
8 Act.
9 (4) The department may adopt and promulgate rules and regulations to
10 carry out the act.

MOTION(S) - Print in Journal

Senator Chambers filed the following motion to LB758:
MO184
Indefinitely postpone.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 301. Introduced by Hilgers, 21.

WHEREAS, Jack Niemann, a member of Troop 144 of Valparaiso, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Jack has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jack, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Jack Niemann on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Jack Niemann.

Laid over.

MOTION(S) - Print in Journal

Senator Wayne filed the following motion to LB1088:

MO185

Rerefer to Government, Military and Veterans Affairs.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Groene name added to LB758.

VISITORS

The Doctor of the Day was Dr. Carol LaCroix from Omaha.

ADJOURNMENT

At 11:55 a.m., on a motion by Senator Quick, the Legislature adjourned until 9:00 a.m., Thursday, January 25, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTEENTH DAY - JANUARY 25, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 25, 2018

PRAYER

The prayer was offered by Pastor Andrew Anderson, Country Bible Church, Blair.

ROLL CALL

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

The roll was called and all members were present except Senators Ebke, Hansen, Krist, Kuehn, McCollister, Morfeld, Murante, Pansing Brooks, Scheer, Thibodeau, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Wednesday, February 7, 2018 1:30 p.m.

LB691
LB695
LB773
LB782
LB855
LB1083

Thursday, February 8, 2018 1:30 p.m.

LB752
LB833
LB886

LB990
LB1047
LR293CA

Friday, February 9, 2018 9:30 a.m.

LB781
LB869
LB875
LB930
LB983

Friday, February 9, 2018 1:30 p.m.

LB925
LB988
LB1013
LB1132

(Signed) Laura Ebke, Chairperson

Health and Human Services

Room 1510

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

LB1107
LB1042
LB1034
LB1035

(Signed) Merv Riepe, Chairperson

MOTION(S) - Confirmation Report(s)

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 375:

Nebraska Public Employees Retirement Systems
Randy D. Gerke, Director

Voting in the affirmative, 36:

Albrecht	Crawford	Hilkemann	Lowe	Walz
Baker	Ebke	Howard	Quick	Watermeier
Blood	Erdman	Hughes	Riepe	Williams
Bolz	Geist	Kolowski	Scheer	Wishart
Bostelman	Groene	Kolterman	Schumacher	
Briese	Halloran	Larson	Smith	
Chambers	Harr	Lindstrom	Stinner	
Clements	Hilgers	Linehan	Vargas	

Voting in the negative, 0.

Present and not voting, 4:

Brasch	Brewer	Friesen	McDonnell
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Excused and not voting, 9:

Hansen	Kuehn	Morfeld	Pansing Brooks	Wayne
Krist	McCollister	Murante	Thibodeau	

The appointment was confirmed with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 387:

Nebraska Power Review Board
Dennis Grennan

Voting in the affirmative, 39:

Albrecht	Chambers	Halloran	Kuehn	Riepe
Baker	Clements	Hansen	Larson	Scheer
Blood	Crawford	Harr	Linehan	Stinner
Bolz	Ebke	Hilgers	Lowe	Thibodeau
Bostelman	Erdman	Hilkemann	McCollister	Walz
Brasch	Friesen	Howard	Murante	Watermeier
Brewer	Geist	Hughes	Pansing Brooks	Williams
Briese	Groene	Kolowski	Quick	

Voting in the negative, 0.

Present and not voting, 6:

Lindstrom	Schumacher	Vargas
McDonnell	Smith	Wishart

Excused and not voting, 4:

Kolterman Krist Morfeld Wayne

The appointment was confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 387:

Nebraska Ethanol Board
Scott McPheeters
Taylor Nelson

Voting in the affirmative, 38:

Albrecht	Clements	Harr	Linehan	Stinner
Baker	Crawford	Hilgers	Lowe	Thibodeau
Blood	Erdman	Hilkemann	McCollister	Walz
Bolz	Friesen	Howard	Murante	Watermeier
Bostelman	Geist	Hughes	Pansing Brooks	Wayne
Brasch	Groene	Kolowski	Quick	Williams
Briese	Halloran	Kuehn	Riepe	
Chambers	Hansen	Larson	Scheer	

Voting in the negative, 0.

Present and not voting, 8:

Brewer	Lindstrom	Schumacher	Vargas
Ebke	McDonnell	Smith	Wishart

Excused and not voting, 3:

Kolterman Krist Morfeld

The appointments were confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 419:

Game and Parks Commission
Douglas Zingula

Voting in the affirmative, 39:

Albrecht	Crawford	Hilgers	Linehan	Scheer
Baker	Erdman	Hilkemann	Lowe	Stinner
Blood	Friesen	Howard	McCollister	Thibodeau
Bolz	Geist	Hughes	McDonnell	Vargas
Bostelman	Groene	Kolowski	Murante	Walz
Brewer	Halloran	Kuehn	Pansing Brooks	Watermeier
Briese	Hansen	Larson	Quick	Williams
Clements	Harr	Lindstrom	Riepe	

Voting in the negative, 0.

Present and not voting, 7:

Brasch	Ebke	Smith	Wishart
Chambers	Schumacher	Wayne	

Excused and not voting, 3:

Kolterman	Krist	Morfeld
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The appointment was confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on pages 391 and 392:

Stem Cell Research Advisory Committee

Rebecca Jane Morris

Dennis Roop

Rui Yi

Voting in the affirmative, 33:

Albrecht	Chambers	Halloran	Lowe	Thibodeau
Baker	Clements	Hilgers	McDonnell	Vargas
Blood	Crawford	Hilkemann	Murante	Walz
Bolz	Ebke	Howard	Pansing Brooks	Williams
Bostelman	Erdman	Hughes	Quick	Wishart
Brewer	Friesen	Kolterman	Riepe	
Briese	Geist	Linehan	Schumacher	

Voting in the negative, 0.

Present and not voting, 14:

Brasch	Harr	Larson	Scheer	Watermeier
Groene	Kolowski	Lindstrom	Smith	Wayne
Hansen	Kuehn	McCollister	Stinner	

Excused and not voting, 2:

Krist Morfeld

The appointments were confirmed with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 391:

Division of Children and Family Services
Matt Wallen, Director

Voting in the affirmative, 29:

Albrecht	Briese	Geist	Kolterman	Riepe
Baker	Chambers	Groene	Kuehn	Schumacher
Blood	Clements	Hilgers	Lowe	Vargas
Bolz	Ebke	Hilkemann	McCollister	Walz
Bostelman	Erdman	Hughes	McDonnell	Williams
Brewer	Friesen	Kolowski	Murante	

Voting in the negative, 0.

Present and not voting, 18:

Brasch	Harr	Linehan	Smith	Wayne
Crawford	Howard	Pansing Brooks	Stinner	Wishart
Halloran	Larson	Quick	Thibodeau	
Hansen	Lindstrom	Scheer	Watermeier	

Excused and not voting, 2:

Krist Morfeld

The appointment was confirmed with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 2102

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

LB1133

(Signed) Lydia Brasch, Chairperson

Revenue

Room 1524

Thursday, February 1, 2018 1:30 p.m.

LB1108
LB918
LB745
LB907

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

LB1071
LB739
LB824
LB1074
LB920

(Signed) Jim Smith, Chairperson

Government, Military and Veterans Affairs

Room 1507

Thursday, February 1, 2018 1:30 p.m.

LB995
LB1037
LB1130
LB1003
LB1000
LB960

(Signed) John Murante, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR296	Executive Board

(Signed) Dan Watermeier, Chairperson
Executive Board

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 683. Placed on General File.

LEGISLATIVE BILL 741. Placed on General File.

LEGISLATIVE BILL 750. Placed on General File with amendment.

AM1599

1 1. Insert the following new section:

2 Section 1. Section 45-737, Revised Statutes Cumulative Supplement,

3 2016, is amended to read:

4 45-737 A licensee licensed as a mortgage banker shall:

5 (1) Disburse required funds paid by the borrower and held in escrow
6 for the payment of insurance payments no later than the date upon which
7 the premium is due under the insurance policy;

8 (2) Disburse funds paid by the borrower and held in escrow for the
9 payment of real estate taxes prior to the time such real estate taxes
10 become delinquent;

11 (3) Pay any penalty incurred by the borrower because of the failure
12 of the licensee to make the payments required in subdivisions (1) and (2)
13 of this section unless the licensee establishes that the failure to
14 timely make the payments was due solely to the fact that the borrower was
15 sent a written notice of the amount due more than fifteen calendar days
16 before the due date to the borrower's last-known address and failed to
17 timely remit the amount due to the licensee;

18 (4) At least annually perform a complete escrow analysis. If there
19 is a change in the amount of the periodic payments, the licensee shall
20 mail written notice of such change to the borrower at least twenty
21 calendar days before the effective date of the change in payment. The
22 following information shall be provided to the borrower, without charge,
23 in one or more reports, at least annually:

24 (a) The name and address of the licensee;

25 (b) The name and address of the borrower;

26 (c) A summary of the escrow account activity during the year which
27 includes all of the following:

1 (i) The balance of the escrow account at the beginning of the year;

2 (ii) The aggregate amount of deposits to the escrow account during
3 the year; and

4 (iii) The aggregate amount of withdrawals from the escrow account
5 for each of the following categories:

6 (A) Payments applied to loan principal;

7 (B) Payments applied to interest;

8 (C) Payments applied to real estate taxes;

9 (D) Payments for real property insurance premiums; and

10 (E) All other withdrawals; and

11 (d) A summary of loan principal for the year as follows:

12 (i) The amount of principal outstanding at the beginning of the
13 year;

14 (ii) The aggregate amount of payments applied to principal during

15 the year; and
16 (iii) The amount of principal outstanding at the end of the year;
17 (5) Establish and maintain a toll-free telephone number or accept
18 collect telephone calls to respond to inquiries from borrowers, if the
19 licensee services residential mortgage loans. If a licensee ceases to
20 service residential mortgage loans, it shall continue to maintain a toll-
21 free telephone number or accept collect telephone calls to respond to
22 inquiries from borrowers for a period of twelve months after the date the
23 licensee ceased to service residential mortgage loans. A telephonic
24 messaging service which does not permit the borrower an option of
25 personal contact with an employee, agent, or contractor of the licensee
26 shall not satisfy the conditions of this section. Each day such licensee
27 fails to comply with this subdivision shall constitute a separate
28 violation of the Residential Mortgage Licensing Act;
29 (6) Answer in writing, within seven business days after receipt, any
30 written request for payoff information received from a borrower or a
31 borrower's designated representative. This service shall be provided
1 without charge to the borrower, except that when such information is
2 provided upon request within sixty days after the fulfillment of a
3 previous request, a processing fee of up to ten dollars may be charged;
4 (7) Record or cause to be recorded ~~Execute and deliver~~ a release of
5 mortgage pursuant to the provisions of section ~~76-2803 76-252~~ or, in the
6 case of a trust deed, record or cause to be recorded ~~execute and deliver~~
7 a reconveyance pursuant to the provisions of section ~~76-2803 76-1014.01~~;
8 (8) Maintain a copy of all documents and records relating to each
9 residential mortgage loan and application for a residential mortgage
10 loan, including, but not limited to, loan applications, federal Truth in
11 Lending Act statements, good faith estimates, appraisals, notes, rights
12 of rescission, and mortgages or trust deeds for a period of three years
13 after the date the residential mortgage loan is funded or the loan
14 application is denied or withdrawn;
15 (9) Notify the director in writing or through the Nationwide
16 Mortgage Licensing System and Registry within three business days after
17 the occurrence of any of the following:
18 (a) The filing of a voluntary petition in bankruptcy by the licensee
19 or notice of a filing of an involuntary petition in bankruptcy against
20 the licensee;
21 (b) The licensee has lost the ability to fund a loan or loans after
22 it had made a loan commitment or commitments and approved a loan
23 application or applications;
24 (c) Any other state or jurisdiction institutes license denial, cease
25 and desist, suspension, or revocation procedures against the licensee;
26 (d) The attorney general of any state, the Consumer Financial
27 Protection Bureau, or the Federal Trade Commission initiates an action to
28 enforce consumer protection laws against the licensee or any of the
29 licensee's officers, directors, shareholders, partners, members,
30 employees, or agents;
31 (e) The Federal National Mortgage Association, Federal Home Loan
1 Mortgage Corporation, Federal Housing Administration, or Government

2 National Mortgage Association suspends or terminates the licensee's
 3 status as an approved seller or seller and servicer;
 4 (f) The filing of a criminal indictment or information against the
 5 licensee or any of its officers, directors, shareholders, partners,
 6 members, employees, or agents; or
 7 (g) The licensee or any of the licensee's officers, directors,
 8 shareholders, partners, members, employees, or agents was convicted of,
 9 pleaded guilty to, or was found guilty after a plea of nolo contendere to
 10 (i) a misdemeanor under state or federal law which involves dishonesty or
 11 fraud or which involves any aspect of the mortgage banking business,
 12 depository institution business, or installment loan company business or
 13 (ii) any felony under state or federal law; and
 14 (10) Notify the director in writing or through the Nationwide
 15 Mortgage Licensing System and Registry within thirty days after the
 16 occurrence of a material development other than as described in
 17 subdivision (9) of this section, including, but not limited to, any of
 18 the following:
 19 (a) Business reorganization;
 20 (b) A change of name, trade name, doing business as designation, or
 21 main office address;
 22 (c) The establishment of a branch office. Notice of such
 23 establishment shall be on a form prescribed by the department and
 24 accompanied by a fee of seventy-five dollars for each branch office;
 25 (d) The relocation or closing of a branch office; or
 26 (e) The entry of an order against the licensee or any of the
 27 licensee's officers, directors, shareholders, partners, members,
 28 employees, or agents, including orders to which the licensee or other
 29 parties consented, by any other state or federal regulator.
 30 2. On page 5, line 20, after "a" insert "written" and after
 31 "notification" insert "from the obligor or obligors under a line of
 1 credit"; and in line 21, strike "containing a statement", show as
 2 stricken, and insert "the secured creditor has received a written
 3 notice".
 4 3. On page 6, line 1, strike "a" and insert "such"; in lines 3 and 7
 5 strike "of a" and insert "of the"; and in line 31 after the first
 6 occurrence of "a" insert "written", after the second occurrence of "a"
 7 insert "deed of", and strike "required by".
 8 4. On page 7, line 1, strike "the beneficiary" and strike "do so"
 9 and insert "execute such deed of reconveyance"; in line 3 after
 10 "beneficiary" insert "subsequently"; and in line 11 strike "section" and
 11 insert "sections 45-737 and".
 12 5. Renumber the remaining sections accordingly.

(Signed) Brett Lindstrom, Chairperson

GENERAL FILE

LEGISLATIVE BILL 758. Senator Chambers renewed his amendment, FA92, found on page 421, to the committee amendment.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Pending.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 733. Placed on General File.

LEGISLATIVE BILL 860. Placed on General File.

LEGISLATIVE BILL 895. Placed on General File.

LEGISLATIVE BILL 896. Placed on General File.

(Signed) Curt Friesen, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

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

LB1103 (cancel)

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

LB1069

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

LB1103

LB1056

LB1094

LB917

(Signed) Mike Groene, Chairperson

Executive Board

Room 2102

Thursday, February 1, 2018 12:00 p.m.

LR289CA

LB973

Monday, February 5, 2018 12:00 p.m.

LB974
LB975

(Signed) Dan Watermeier, Chairperson

GENERAL FILE

LEGISLATIVE BILL 758. Senator Chambers offered the following motion:
MO186
Bracket until April 18, 2018.

Pending.

LEGISLATIVE BILL 589. Committee AM438, found on page 695, First Session, 2017, and considered on page 396, was renewed.

Pending.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McCollister name added to LB44.
Senator Wayne name added to LB696.
Senator Wayne name added to LB756.
Senator Wayne name added to LB809.
Senator Brewer name added to LB1123.
Senator McDonnell name added to LB1123.
Senator McCollister name added to LR293CA.

VISITORS

Visitors to the Chamber were Mike Smith, Howard Daharsh, and Allen Kreman from Morrill County; 20 home care providers from Nebraska Home Care Association; Jeff Metz, Morrill County Commissioner; Josh Skavdahl, Sioux County Commissioner; former Senator Mike Gloor from Grand Island and Mace Hack, Executive Director of Nature Conservancy, from Omaha; 52 sixth-grade students and teachers from North American Martyrs Catholic School, Lincoln; 60 elementary students from Holy Name, All Saints, and Sacred Heart Schools, Omaha; 40 seventh-grade students from Grand Island Central Catholic; and 20 students from Cathedral Elementary School, Lincoln.

ADJOURNMENT

At 11:51 a.m., on a motion by Senator Kolterman, the Legislature adjourned until 9:00 a.m., Friday, January 26, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTEENTH DAY - JANUARY 26, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

SIXTEENTH DAY

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

PRAYER

The prayer was offered by Senator Hilkemann.

ROLL CALL

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

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

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

NOTICE OF COMMITTEE HEARING(S)
Business and Labor

Room 2102

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

LB928
LB952
LB953
LB957
LB1024

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

LB844
LB916
LB843
LB1014
LB791

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

LB1096
LB950
LB951
LB991
LB1134
LB1109

(Signed) Joni Albrecht, Chairperson

AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB947:

AM1620

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

Senator Smith filed the following amendment to LB947:

AM1621

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

Senator Smith filed the following amendment to LB947:

AM1622

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

REPORT OF REGISTERED LOBBYISTS

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

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

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

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

REPORTS

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

SELECT FILE

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

LEGISLATIVE BILL 669. Senator Chambers offered the following amendment:

FA93

Strike original provisions and insert:

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

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

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 8:

Chambers	Harr	McDonnell	Wayne
Crawford	Krist	Pansing Brooks	Wishart

Voting in the negative, 27:

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

Present and not voting, 11:

Baker	Ebke	McCollister	Vargas
Blood	Howard	Quick	Walz
Bolz	Kolowski	Schumacher	

Excused and not voting, 3:

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

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO189

Bracket until April 18, 2018.

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

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

Voting in the affirmative, 0.

Voting in the negative, 41:

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

Present and not voting, 5:

Baker	Chambers	Kolowski	Krist	Schumacher
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Excused and not voting, 3:

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

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 765. Placed on General File.

LEGISLATIVE BILL 854. Placed on General File.

LEGISLATIVE BILL 756. Placed on General File with amendment.

AM1642

1 1. Insert the following new sections:

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

3 amended to read:

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

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

6 be cited as the Nebraska Revenue Act of 1967.

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

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

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

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

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

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

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

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

15 such room or rooms, lodgings, or accommodations.

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

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

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

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

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

15 (2) Qualifying business also means:

16 (a) In cities of the first class, cities of the ~~and~~ second class,

17 and villages, a business that derives its principal source of income from
18 the construction or rehabilitation of housing;

19 (b) In cities of the first class, cities of the second class, and

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

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

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

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

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

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

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

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

(Signed) Justin Wayne, Chairperson

ANNOUNCEMENT(S)

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

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

Room 1507

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

LB753
 LB1019
 LB1038
 LB1098

(Signed) John Murante, Chairperson

Transportation and Telecommunications

Room 1113

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

Eric Bigler - Motor Vehicle Industry Licensing Board
LB721
LB993
LB994

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

Mick Syslo - Board of Public Roads Classifications and Standards
LB1009

(Signed) Curt Friesen, Chairperson

MOTION(S) - Print in Journal

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

COMMITTEE REPORT(S)

Natural Resources

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

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

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

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

Bradley Bird - Nebraska Ethanol Board

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

(Signed) Dan Hughes, Chairperson

SELECT FILE

LEGISLATIVE BILL 669. Senator Chambers offered the following motion:

MO190

Reconsider the vote taken to bracket.

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

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

Voting in the affirmative, 10:

Bolz	Friesen	Howard	Lowe	Pansing Brooks
Chambers	Hansen	Krist	McDonnell	Wayne

Voting in the negative, 29:

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

Present and not voting, 7:

Crawford	Morfeld	Schumacher	Wishart
Kolowski	Quick	Vargas	

Excused and not voting, 3:

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

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO191

Recommit to the Executive Board.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

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

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

Voting in the affirmative, 36:

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

Voting in the negative, 3:

Bolz	Chambers	Hansen
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Present and not voting, 4:

Groene	Krist	Smith	Vargas
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Excused and not voting, 6:

Brewer	Howard	Larson
Harr	Kolterman	Riepe

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

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

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

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

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

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

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

Advanced to Enrollment and Review for Engrossment.

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

Advanced to Enrollment and Review for Engrossment.

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

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

Advanced to Enrollment and Review for Engrossment.

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

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

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

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

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

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 105. Senator Schumacher offered the following amendment:

AM1515

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

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

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 93. Senator Hansen offered the following amendment:

FA94

Amend AM121

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

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

Advanced to Enrollment and Review for Engrossment.

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

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

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

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 668. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB596:

AM1500

(Amendments to Standing Committee amendment, AM621)

1 1. Insert the following new amendments:

2 1. Insert the following new sections:

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

4 amended to read:

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

6 unless such individual has obtained a credential under the Uniform

7 Credentialing Act:

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

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

Senator Smith filed the following amendment to LB947:

AM1667

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

Senator Smith filed the following amendment to LB947:

AM1669

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

Senator Smith filed the following amendment to LB947:

AM1671

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

Senator Smith filed the following amendment to LB947:

AM1668

(Amendments to Final Reading copy)

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

Senator Smith filed the following amendment to LB947:

AM1670

(Amendments to Final Reading copy)

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

Senator Smith filed the following amendment to LB947:

AM1672

(Amendments to Final Reading copy)

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

Senator Kolterman filed the following amendment to LB548:

AM1652 is available in the Bill Room.

Senator Crawford filed the following amendment to LB589:

AM1674

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

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

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

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

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

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

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

MOTION(S) - Print in Journal

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

RESOLUTION(S)

LEGISLATIVE RESOLUTION 302. Introduced by Kolterman, 24.

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

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

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

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

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

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

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

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

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

Laid over.

LEGISLATIVE RESOLUTION 303. Introduced by Albrecht, 17.

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

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

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

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

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

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

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

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

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

Laid over.

ANNOUNCEMENT(S)

The Executive Board designates LB744 as its priority bill.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

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

VISITORS

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

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

ADJOURNMENT

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

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTEENTH DAY - JANUARY 30, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 30, 2018

PRAYER

The prayer was offered by Senator Williams.

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 Bolz, Geist, Hansen, Kolterman, McCollister, Morfeld, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 17. Placed on Final Reading.
ST39

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

1. On page 14, line 8, "or" has been inserted after the second comma.
2. On page 25, line 2, "(1)" has been struck, shown as stricken, and "(4)" inserted.

LEGISLATIVE BILL 100. Placed on Final Reading.
LEGISLATIVE BILL 130. Placed on Final Reading.
LEGISLATIVE BILL 135. Placed on Final Reading.
LEGISLATIVE BILL 146. Placed on Final Reading.
LEGISLATIVE BILL 160. Placed on Final Reading.
LEGISLATIVE BILL 177. Placed on Final Reading.
LEGISLATIVE BILL 304. Placed on Final Reading.
LEGISLATIVE BILL 347. Placed on Final Reading.
LEGISLATIVE BILL 350. Placed on Final Reading.

LEGISLATIVE BILL 399. Placed on Final Reading.

LEGISLATIVE BILL 669. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

ANNOUNCEMENT(S)

The Banking, Commerce and Insurance Committee designates LB743 as its priority bill.

Senator Morfeld designates LB757 as his priority bill.

Senator Briese designates LB1084 as his priority bill.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB735	Urban Affairs (rereferred)
LB1093	Health and Human Services (rereferred)

(Signed) Dan Watermeier, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Wednesday, February 7, 2018 1:30 p.m.

LB1004
LB1041
LB770

Thursday, February 8, 2018 1:30 p.m.

LB1046
LB1073
LB1079

Wednesday, February 14, 2018 1:30 p.m.

LB866
LB867
LB956

Thursday, February 15, 2018 1:30 p.m.

LB1060
LB1040
LB922

Wednesday, February 21, 2018 1:30 p.m.

LB1127
LR281CA

Thursday, February 22, 2018 1:30 p.m.

LB862
LB686
LB891

Friday, February 23, 2018 1:30 p.m.

LB835
LB1057
LB968

(Signed) Merv Riepe, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 304. Introduced by Lowe, 37.

WHEREAS, Roger Mathiesen has served as head coach for the Kearney High School's boys track team since 1980; and

WHEREAS, throughout his distinguished career, Coach Mathiesen led the Kearney Bearcats to numerous victories; and

WHEREAS, Coach Mathiesen's athletes won sixteen state championships, including eleven consecutive victories from 1994 to 2004; and

WHEREAS, under Coach Mathiesen, the Bearcats set a national record with 123 consecutive regular-season invitational championships from 1993 to 2014; and

WHEREAS, Coach Mathiesen was honored as the national Coach of the Year in 2001, has been named the Nebraska Coach of the Year on multiple occasions, and in 2014 was inducted into the Nebraska High School Sports Hall of Fame; and

WHEREAS, Coach Mathiesen leaves the Bearcats with two state-record streaks: 29 consecutive district championships and 28 consecutive conference championships.

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

1. That the Legislature congratulates Roger Mathiesen on his many accomplishments over his outstanding career.
2. That the Legislatures thanks Roger Mathiesen for his years of dedication and contributions to his students, his community, and the State of Nebraska.
3. That a copy of this resolution be sent to Roger Mathiesen.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 758. Senator Chambers renewed his motion, MO186, found on page 438, to bracket until April 18, 2018.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 43:

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

Present and not voting, 4:

Chambers	Howard	Krist	Pansing Brooks
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Excused and not voting, 2:

Hansen	Larson
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The Chambers motion to bracket failed with 0 ayes, 43 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO192

Reconsider the vote taken to bracket.

SENATOR HOWARD PRESIDING**SPEAKER SCHEER PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 40:

Albrecht	Clements	Hansen	Lowe	Smith
Baker	Crawford	Hilgers	McCollister	Stinner
Blood	Ebke	Hilkemann	McDonnell	Thibodeau
Bolz	Erdman	Hughes	Morfeld	Vargas
Bostelman	Friesen	Kolterman	Quick	Walz
Brasch	Geist	Kuehn	Riepe	Watermeier
Brewer	Groene	Lindstrom	Scheer	Williams
Briese	Halloran	Linehan	Schumacher	Wishart

Present and not voting, 4:

Harr	Howard	Kolowski	Pansing Brooks
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Excused and not voting, 4:

Krist	Larson	Murante	Wayne
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The Chambers motion to reconsider failed with 1 aye, 40 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers renewed his amendment, FA92, found on page 421 and considered on page 436, to the committee amendment.

SENATOR HOWARD PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 38:

Albrecht	Crawford	Hilgers	Lowe	Stinner
Baker	Ebke	Hilkemann	McCollister	Thibodeau
Blood	Erdman	Hughes	McDonnell	Vargas
Bostelman	Friesen	Kolterman	Murante	Walz
Brasch	Geist	Kuehn	Quick	Williams
Brewer	Groene	Larson	Riepe	Wishart
Briese	Halloran	Lindstrom	Scheer	
Clements	Hansen	Linehan	Smith	

Present and not voting, 8:

Bolz	Harr	Kolowski	Schumacher
Chambers	Howard	Pansing Brooks	Wayne

Excused and not voting, 3:

Krist	Morfeld	Watermeier
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The Chambers amendment lost with 0 ayes, 38 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

NOTICE OF COMMITTEE HEARING(S)

Judiciary

Room 1113

Wednesday, February 14, 2018 1:30 p.m.

Layne Gissler - Nebraska Board of Parole
 LB836
 LB964
 LB982
 LB1082
 LB1118

Thursday, February 15, 2018 1:30 p.m.

LB978
 LB992
 LB1029
 LB1039
 LB1131

Wednesday, February 21, 2018 1:30 p.m.

LB763
LB797
LB811
LB872
LB1010

Thursday, February 22, 2018 1:30 p.m.

LB927
LB981
LB1051
LB1086
LB1112

Friday, February 23, 2018 1:30 p.m.

LB693
LB892
LB897
LB977

Tuesday, February 27, 2018 1:30 p.m.

LB680
LB690
LB1126

(Signed) Laura Ebke, Chairperson

Appropriations

Room 1003

Thursday, February 15, 2018 1:30 p.m.

Agency 27 - Transportation, Department of

(Signed) John Stinner, Chairperson

Urban Affairs

Room 1510

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

LB1020
LB986

LB1067
LB735
LB942
LB1028

Tuesday, February 13, 2018 1:30 p.m.

LB709
LB767
LB1025
LB720
LB889
LB890

(Signed) Justin Wayne, Chairperson

Agriculture

Room 1510

Tuesday, February 20, 2018 1:30 p.m.

LB893

(Signed) Lydia Brasch, Chairperson

COMMITTEE REPORT(S)

Judiciary

The Judiciary 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.

G. Randall Hansen - Crime Victim's Reparations Committee
Thomas Parker - Crime Victim's Reparations Committee

Aye: 7 Baker, Ebke, Halloran, Hansen, Krist, Morfeld, Pansing Brooks.
Nay: 0. Absent: 1 Chambers. Present and not voting: 0.

(Signed) Laura Ebke, Chairperson

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 697. Placed on General File.
LEGISLATIVE BILL 774. Placed on General File.
LEGISLATIVE BILL 878. Placed on General File.

LEGISLATIVE BILL 710. Placed on General File with amendment.

AM1683

- 1 1. On page 3, line 1, strike "judgment"; in line 27 after the first
- 2 comma insert "or"; and strike beginning with the second "the date" in
- 3 line 27 through the second comma in line 28.
- 4 2. On page 4, after line 1 insert the following new subsection:
- 5 "(6) This section does not apply to a cause of action alleging
- 6 personal injury, regardless of the legal theory asserted.".

LEGISLATIVE BILL 757. Placed on General File with amendment.

AM1648

- 1 1. Strike original section 6 and insert the following new section:
- 2 Sec. 6. (1) To protect personal information from unauthorized
- 3 access, acquisition, destruction, use, modification, or disclosure, an
- 4 individual or a commercial entity that conducts business in Nebraska and
- 5 owns, licenses, or maintains data that includes personal information
- 6 about a resident of Nebraska shall implement and maintain reasonable
- 7 security procedures and practices that are appropriate to the nature and
- 8 sensitivity of the personal information owned, licensed, or maintained
- 9 and the nature and size of the business and its operations, including
- 10 safeguards that protect the personal information when the individual or
- 11 commercial entity disposes of the personal information.
- 12 (2) An individual or commercial entity that discloses personal
- 13 information about a Nebraska resident to a nonaffiliated, third-party
- 14 service provider shall require by contract that the service provider
- 15 implement and maintain reasonable security procedures and practices that:
- 16 (a) Are appropriate to the nature of the personal information
- 17 disclosed to the service provider; and
- 18 (b) Are reasonably designed to help protect the personal information
- 19 from unauthorized access, acquisition, destruction, use, modification, or
- 20 disclosure.
- 21 (3) An individual or a commercial entity complies with subsections
- 22 (1) and (2) of this section if the individual or commercial entity:
- 23 (a) Complies with a state or federal law that provides greater
- 24 protection to personal information than the protections that this section
- 25 provides; or
- 26 (b) Complies with the regulations promulgated under Title V of the
- 27 Gramm-Leach-Bliley Act, 15 U.S.C. 6801 et seq., or the Health Insurance
- 1 Portability and Accountability Act of 1996, 42 U.S.C. 1320d to 1320d-9,
- 2 as such act and sections existed on January 1, 2018, if the individual or
- 3 commercial entity is subject to either or both of such act or sections.

(Signed) Laura Ebke, Chairperson

ANNOUNCEMENT(S)

The Urban Affairs Committee designates LB874 as its priority bill.

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 847. Placed on General File.**LEGISLATIVE BILL 848.** Placed on General File.**LEGISLATIVE BILL 104.** Placed on General File with amendment.
AM1464 is available in the Bill Room.**LEGISLATIVE BILL 776.** Placed on General File with amendment.
AM16871 1. On page 3, line 30, strike "their" and insert "an attorney or".2 2. On page 6, line 13, strike "their" and insert "an attorney or".

(Signed) Laura Ebke, Chairperson

GENERAL FILE**LEGISLATIVE BILL 758.** Senator Chambers offered the following motion:

MO193

Reconsider the vote taken on FA92.

SPEAKER SCHEER PRESIDING

Senator Hughes offered the following motion:

MO194

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Hughes moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

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

Voting in the affirmative, 45:

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

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Howard Pansing Brooks

Absent and not voting, 1:

Larson

The Hughes motion to invoke cloture prevailed with 45 ayes, 1 nay, 2 present and not voting, and 1 absent and not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 43:

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

Present and not voting, 4:

Harr Howard Krist Pansing Brooks

Absent and not voting, 1:

Larson

The Chambers motion to reconsider failed with 1 aye, 43 nays, 4 present and not voting, and 1 absent and not voting.

Senator Chambers requested a record vote on the committee amendment, AM1573.

Voting in the affirmative, 46:

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

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Howard Krist

The committee amendment was adopted with 46 ayes, 1 nay, and 2 present and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 2:

Chambers Howard

Advanced to Enrollment and Review Initial with 47 ayes, 0 nays, and 2 present and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)
Executive Board

LEGISLATIVE BILL 744. Placed on General File.

(Signed) Dan Watermeier, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 299. Placed on General File with amendment.
AM1665 is available in the Bill Room.

(Signed) John Murante, Chairperson

Health and Human Services

LEGISLATIVE BILL 360. Placed on General File with amendment.
AM1627

1 1. Insert the following new sections:

2 Sec. 12. (1) The department may deny registration or refuse renewal
3 of or remove a registration from the Surgical Technologist Registry for
4 failure to meet the standards or for violation of the Surgical
5 Technologist Registry Act or the rules and regulations.

6 (2) If the department proposes to deny, refuse renewal of, or remove
7 a registration, it shall send the applicant or registrant a notice
8 setting forth the action to be taken and the reasons for the

9 determination. The denial, refusal to renew, or removal shall become
10 final thirty days after mailing the notice unless the applicant or
11 registrant gives written notice to the department of his or her desire
12 for an informal conference or for a formal hearing.

13 (3) Notice may be served by any method specified in section
14 25-505.01, or the department may permit substitute or constructive
15 service as provided in section 25-517.02 when service cannot be made with
16 reasonable diligence by any of the methods specified in section
17 25-505.01.

18 Sec. 13. A person whose registration has been denied, refused
19 renewal, or removed from the Surgical Technologist Registry may reapply
20 for registration or for lifting of the disciplinary sanction at any time
21 after one year has elapsed since the date such registration was denied,
22 refused renewal, or removed from the registry, in accordance with the
23 rules and regulations.

24 2. On page 2, line 1, strike "12" and insert "14"; and in line 31
25 after the semicolon insert "or".

26 3. On page 3, line 4, after "Schools" insert ", if the applicant is
27 a graduate of such program".

1 4. On page 4, line 8, strike "2018" and insert "2019".

2 5. Renumber the remaining sections and correct internal references
3 accordingly.

LEGISLATIVE BILL 732. Placed on General File with amendment.

AM1526

1 1. Insert the following new sections:

2 Section 1. Section 43-4203, Reissue Revised Statutes of Nebraska, is
3 amended to read:4 43-4203 (1) The Nebraska Children's Commission shall work with
5 administrators from each of the service areas designated pursuant to
6 section 81-3116, the teams created pursuant to section 28-728, local
7 foster care review boards, child advocacy centers, the teams created
8 pursuant to the Supreme Court's Through the Eyes of the Child Initiative,
9 community stakeholders, and advocates for child welfare programs and
10 services to establish networks in each of such service areas. Such
11 networks shall permit collaboration to strengthen the continuum of
12 services available to child welfare agencies and to provide resources for
13 children and juveniles outside the child protection system. Each service
14 area shall develop its own unique strategies to be included in the
15 statewide strategic plan. The Department of Health and Human Services
16 shall assist in identifying the needs of each service area.17 (2)(a) The commission shall create a committee to examine state
18 policy regarding the prescription of psychotropic drugs for children who
19 are wards of the state and the administration of such drugs to such
20 children. Such committee shall review the policy and procedures for
21 prescribing and administering such drugs and make recommendations to the
22 commission for changes in such policy and procedures.23 (b) The commission shall create a committee to examine the Office of
24 Juvenile Services and the Juvenile Services Division of the Office of
25 Probation Administration. Such committee shall review the role and
26 effectiveness of out-of-home placements utilized in the juvenile justice
27 system, including the youth rehabilitation and treatment centers, and
1 make recommendations to the commission on the juvenile justice continuum
2 of care, including what populations should be served in out-of-home
3 placements and what treatment services should be provided at the centers
4 in order to appropriately serve those populations. Such committee shall
5 also review how mental and behavioral health services are provided to
6 juveniles in residential placements and the need for such services
7 throughout Nebraska and make recommendations to the commission relating
8 to those systems of care in the juvenile justice system. The committee
9 shall collaborate with the University of Nebraska at Omaha, Juvenile
10 Justice Institute, the University of Nebraska Medical Center, Center for
11 Health Policy, the behavioral health regions as established in section
12 71-807, and state and national juvenile justice experts to develop
13 recommendations. The recommendations shall include a plan to implement a
14 continuum of care in the juvenile justice system to meet the needs of
15 Nebraska families, including specific recommendations for the
16 rehabilitation and treatment model. The recommendations shall be
17 delivered to the commission and electronically to the Judiciary Committee
18 of the Legislature annually by ~~September~~ December 1.

19 (c) The commission may organize committees as it deems necessary.

20 Members of the committees may be members of the commission or may be

21 appointed, with the approval of the majority of the commission, from
22 individuals with knowledge of the committee's subject matter,
23 professional expertise to assist the committee in completing its assigned
24 responsibilities, and the ability to collaborate within the committee and
25 with the commission to carry out the powers and duties of the commission.
26 No member of any committee created pursuant to this section shall have
27 any private financial interest, profit, or benefit from any work of such
28 committee.

29 (d) The Title IV-E Demonstration Project Committee created pursuant
30 to section 43-4208 and the Foster Care Reimbursement Rate Committee
31 created pursuant to section 43-4212 are under the jurisdiction of the
1 commission.

2 (3) The commission shall work with the office of the State Court
3 Administrator, as appropriate, and entities which coordinate facilitated
4 conferencing as described in section 43-247.03. Facilitated conferencing
5 shall be included in statewide strategic plan discussions by the
6 commission. Facilitated conferencing shall continue to be utilized and
7 maximized, as determined by the court of jurisdiction, during the
8 development of the statewide strategic plan. Funding and contracting with
9 mediation centers approved by the Office of Dispute Resolution to provide
10 facilitated conferencing shall continue to be provided by the office of
11 the State Court Administrator at an amount of no less than the General
12 Fund transfer under subsection (1) of section 43-247.04.

13 (4) The commission shall gather information and communicate with
14 juvenile justice specialists of the Office of Probation Administration
15 and county officials with respect to any county-operated practice model
16 participating in the Crossover Youth Program of the Center for Juvenile
17 Justice Reform at Georgetown University.

18 (5) The commission shall coordinate and gather information about the
19 progress and outcomes of the Nebraska Juvenile Service Delivery Project
20 established pursuant to section 43-4101.

21 (6) The commission shall develop a system-of-care plan beginning
22 with prevention services through treatment services for the child welfare
23 system based on relevant data and evidence-based practices to meet the
24 specific needs of each area of the state. Such system-of-care plan shall
25 include services that are goal-driven and outcome-based and shall
26 evaluate the feasibility of utilizing performance-based contracting for
27 specific child welfare services, including the feasibility of additional
28 contractual requirements for service providers requiring services to all
29 children without an option to deny service.

30 (7) The commission shall analyze case management workforce issues
31 and make recommendations to the Health and Human Services Committee of
1 the Legislature regarding:

2 (a) Salary comparisons with other states and the current pay
3 structure based on job descriptions;

4 (b) Utilization of incentives for persons who work in the area of
5 child welfare;

6 (c) Evidence-based training requirements for persons who work in the
7 area of child welfare and their supervisors; and

8 (d) Collaboration with the University of Nebraska to increase and
9 sustain such workforce.

10 Sec. 3. Section 43-4218, Revised Statutes Supplement, 2017, is
11 amended to read:

12 43-4218 (1)(a) The Normalcy Task Force is created. On July 1, 2017,
13 the Normalcy Task Force shall become the Nebraska Strengthening Families
14 Act Committee.

15 (b)(i) Beginning July 1, 2016, until July 1, 2017, the Normalcy Task
16 Force shall monitor and make recommendations regarding the implementation
17 in Nebraska of the federal Preventing Sex Trafficking and Strengthening
18 Families Act, Public Law 113-183, as such act existed on January 1, 2016.

19 (ii) On and after July 1, 2017, the Nebraska Strengthening Families
20 Act Committee shall monitor and make recommendations regarding the
21 implementation in Nebraska of the federal Preventing Sex Trafficking and
22 Strengthening Families Act, Public Law 113-183, as such act existed on
23 January 1, 2017, and the Nebraska Strengthening Families Act.

24 (2) Until July 1, 2017, the members of the task force, and on and
25 after July 1, 2017, the members of the committee shall include, but not
26 be limited to, (a) representatives from the legislative, executive, and
27 judicial branches of government. The representatives from the legislative
28 and judicial branches shall be nonvoting, ex officio members, (b) no
29 fewer than three young adults currently or previously in foster care
30 which may be filled on a rotating basis by members of Project Everlast or
31 a similar youth support or advocacy group, (c) a representative from the
1 juvenile probation system, (d) the executive director of the Foster Care
2 Review Office, (e) one or more representatives from a child welfare
3 advocacy organization, (f) one or more representatives from a child
4 welfare service agency, (g) one or more representatives from an agency
5 providing independent living services, (h) one or more representatives of
6 a child-care institution as defined in section 43-4703, (i) one or more
7 current or former foster parents, (j) one or more parents who have
8 experience in the foster care system, (k) one or more professionals who
9 have relevant practical experience such as a caseworker, and (l) one or
10 more guardians ad litem who practice in juvenile court.

11 (3) On or before July 1, 2016, the Nebraska Children's Commission
12 shall appoint the members of the task force. On July 1, 2017, the members
13 of the task force shall become members of the committee, shall serve the
14 amount of time remaining on their initial terms of office, and are
15 eligible for reappointment by the Nebraska Children's Commission. Members
16 shall be appointed for terms of two years. The commission shall appoint a
17 chairperson or chairpersons of the committee and may fill vacancies on
18 the committee as such vacancies occur.

19 (4) The committee shall provide a written report with
20 recommendations regarding the initial and ongoing implementation of the
21 federal Preventing Sex Trafficking and Strengthening Families Act, as
22 such act existed on January 1, 2017, and the Nebraska Strengthening
23 Families Act and related efforts to improve normalcy for children in
24 foster care and related populations to the Nebraska Children's
25 Commission, the Health and Human Services Committee of the Legislature,

26 the Department of Health and Human Services, and the Governor by
27 ~~September 1~~ ~~December 15~~ of each year. The report to the Health and Human
28 Services Committee of the Legislature shall be submitted electronically.
29 Sec. 4. Section 43-4513, Reissue Revised Statutes of Nebraska, is
30 amended to read:
31 43-4513 (1) On or before July 1, 2013, the Nebraska Children's
1 Commission shall appoint a Bridge to Independence Advisory Committee to
2 make recommendations to the department and the Nebraska Children's
3 Commission regarding the bridge to independence program, extended
4 guardianship assistance described in section 43-4511, and extended
5 adoption assistance described in section 43-4512. The Bridge to
6 Independence Advisory Committee shall meet on a biannual basis to advise
7 the department and the Nebraska Children's Commission regarding ongoing
8 implementation of the bridge to independence program, extended
9 guardianship assistance described in section 43-4511, and extended
10 adoption assistance described in section 43-4512 and shall provide a
11 written report regarding ongoing implementation, including participation
12 in the bridge to independence program, extended guardianship assistance
13 described in section 43-4511, and extended adoption assistance described
14 in section 43-4512 and early discharge rates and reasons obtained from
15 the department, to the Nebraska Children's Commission, the Health and
16 Human Services Committee of the Legislature, the department, and the
17 Governor by ~~September 1~~ ~~December 15th~~ of each year. By December 15, 2015,
18 the committee shall develop specific recommendations for expanding to or
19 improving outcomes for similar groups of at-risk young adults. The report
20 to the Health and Human Services Committee of the Legislature shall be
21 submitted electronically.
22 (2) The members of the Bridge to Independence Advisory Committee
23 shall include, but not be limited to, (a) representatives from all three
24 branches of government, and the representatives from the legislative and
25 judicial branches of government shall be nonvoting, ex officio members,
26 (b) no less than three young adults currently or previously in foster
27 care, which may be filled on a rotating basis by members of Project
28 Everlast or a similar youth support or advocacy group, (c) one or more
29 representatives from a child welfare advocacy organization, (d) one or
30 more representatives from a child welfare service agency, and (e) one or
31 more representatives from an agency providing independent living
1 services.
2 (3) Members of the committee shall be appointed for terms of two
3 years. The Nebraska Children's Commission shall appoint the chairperson
4 of the committee and may fill vacancies on the committee as they occur.
5 2. Renumber the remaining sections and amend the repealer
6 accordingly.

LEGISLATIVE BILL 840. Placed on General File with amendment.
AM1596

1 1. On page 4, line 13, after "welfare" insert "and juvenile
2 justice".

(Signed) Merv Riepe, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 305. Introduced by Bostelman, 23.

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

WHEREAS, Schuyler Community Schools is home to a diverse student population supported by an outstanding staff focused on providing quality academic and extracurricular programs in the arts; and

WHEREAS, Schuyler Community Schools arts programs have developed business and community partnerships that provide students the ability to enhance their creative skills and career opportunities; 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 Schuyler Community Schools for receiving the 2017 NebraskARTS Award on October 18, 2017, which was awarded in the State Capitol Rotunda.

2. That a copy of this resolution be sent to the Schuyler Community Schools superintendent, Dr. Dan Hoelsing, on behalf of the students, teachers, staff, and parents of Schuyler Community Schools.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB589:
AM1682

1 1. Strike original section 1 and insert the following new section:

2 Section 1. Section 29-1917, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 29-1917 (1) Except as provided in section 29-1926 and subsection (5)

5 of this section, at any time after the filing of an indictment or

6 information in a felony prosecution or a petition in a juvenile

7 proceeding under subdivision (2) or (3)(a) of section 43-247, the

8 prosecuting attorney or the defendant may request the court to allow the

9 taking of a deposition of any person other than the defendant who may be

10 a witness in the trial of the offense. The court may order the taking of

11 the deposition when it finds the testimony of the witness:

12 (a) May be material or relevant to the issue to be determined at the
13 trial of the offense; or

14 (b) May be of assistance to the parties in the preparation of their
15 respective cases.

16 (2) An order granting the taking of a deposition shall include the

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

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

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

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

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

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

Senator Friesen filed the following amendment to LB157:

AM1693

1 1. On page 4, line 7, after "The" insert "rate of the".

Senator Linehan filed the following amendment to LB850:

AM1564

1 1. On page 1, line 3, after the period insert "The disclosure shall
2 include as a separate amount distinct from the bond amount an estimate of
3 interest to be paid by the political subdivision. The disclosure shall be
4 made in all advertising concerning any bond which requires the approval

5 of the registered voters voting at an election to issue the bond. Each
6 disclosure made pursuant to this section, if made in writing, shall be
7 made in not less than twelve-point font and, if made verbally, shall be
8 made at the same speed as the remainder of the advertisement."

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

John Andrew Bolduc, Superintendent - Nebraska State Patrol

Aye: 8 Blood, Brewer, Briese, Hilgers, Lowe, Murante, Thibodeau, Wayne.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) John Murante, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Halloran name added to LB295.
Senator Kolterman name added to LB299.

WITHDRAW - Cointroducer(s)

Senator Wayne name withdrawn from LB389.

VISITORS

Visitors to the Chamber were 15 twelfth-grade students, teacher, and sponsor from Lincoln Christian; Kevin Fornoff from Hays Center; former Senator and Congressman, Brad Ashford; and Captain Jennifer Bromm and daughter, Bailey Jeanne, from Camp Zama, Japan.

The Doctor of the Day was Dr. Jason Bepalec from Geneva.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator McCollister, the Legislature adjourned until 9:00 a.m., Wednesday, January 31, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTEENTH DAY - JANUARY 31, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 31, 2018

PRAYER

The prayer was offered by Father Gary Coulter, Our Lady of Good Counsel Retreat House, Waverly.

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 Groene, Hansen, Pansing Brooks, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 93. Placed on Final Reading.
ST40

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

1. In the Standing Committee amendments, AM121, on page 2, line 29, "government" has been struck and "governmental" inserted.

LEGISLATIVE BILL 96. Placed on Final Reading.

LEGISLATIVE BILL 105. Placed on Final Reading.
ST38

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

1. On page 1, line 4, "to provide for inflation adjustments every fifth year as prescribed;" has been inserted after the semicolon.

LEGISLATIVE BILL 193. Placed on Final Reading.

LEGISLATIVE BILL 198. Placed on Final Reading.

LEGISLATIVE BILL 614. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Revenue

Room 1524

Wednesday, February 7, 2018 1:30 p.m.

LB1089

LB1090

LB1091

LB1048

LB1050

LB961

LB962

LB963

(Signed) Jim Smith, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 7, 2018 1:30 p.m.

LB1058

LB1111

LB1119

Thursday, February 8, 2018 1:30 p.m.

LB1064

LB1066

(Signed) John Murante, Chairperson

ANNOUNCEMENT(S)

Senator Ebke announced the Judiciary Committee will meet February 9, 2018, at 9:00 a.m. instead of 9:30 a.m. in Room 1113.

ANNOUNCEMENT(S)

Senator Baker designates LB710 as his priority bill.

COMMITTEE REPORT(S)
Nebraska Retirement Systems

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

John Conley - Nebraska Investment Council

Aye: 6 Bolz, Groene, Kolowski, Kolterman, Lindstrom, Stinner. Nay: 0.
Absent: 0. Present and not voting: 0.

(Signed) Mark Kolterman, Chairperson

GENERAL FILE

LEGISLATIVE BILL 589. Committee AM438, found on page 695, First Session, 2017, and considered on pages 396 and 438, was renewed.

SENATOR WILLIAMS PRESIDING

Senator Crawford withdrew her amendments, AM1574 and AM1674, found on pages 396 and 456.

SENATOR LINDSTROM PRESIDING

Pending.

NOTICE OF COMMITTEE HEARING(S)
Natural Resources

Room 1525

Wednesday, February 7, 2018 1:30 p.m.

Rodney K. Gangwish - Environmental Quality Council
LB1123
LB1124

(Signed) Dan Hughes, Chairperson

Education

Room 1525

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

LB801
LB998
LB1081

(Signed) Mike Groene, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hughes filed the following amendment to LB275:
AM1638

(Amendments to E & R amendments, ER101)

1 1. On page 5, line 1, after "52-605" insert "and 60-2410".

Senator Chambers filed the following amendment to LB589:

FA95

Amend AM438

Insert: "2. On page 1, line 25 and page 2, line 6 strike 'eighteen' and insert 'twelve'".

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.

Michele R. Marsh - Foster Care Advisory Committee

Peggy Snurr - 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

ANNOUNCEMENT(S)

Senator Ebke designates LB299 as her priority bill.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 377. Placed on Final Reading.

ST37

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

1. On page 1, line 15, "to provide an operative date;" has been inserted after the second semicolon.
2. On page 21, line 5, "effective" has been struck and "operative" inserted.
3. On page 66, line 23, an underscored comma has been inserted after "1997".
4. On page 72, line 15, "or" has been inserted after the first comma.
5. On page 95, line 7, "sections" has been struck, shown as stricken, and "section" inserted.

(Signed) Anna Wishart, Chairperson

GENERAL FILE

LEGISLATIVE BILL 256. Title read. Considered.

Committee AM452, found on page 628, First Session, 2017, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

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

Voting in the affirmative, 40:

Albrecht	Crawford	Hilgers	Linehan	Schumacher
Baker	Ebke	Hilkemann	Lowe	Thibodeau
Blood	Erdman	Howard	McCollister	Vargas
Bostelman	Friesen	Hughes	McDonnell	Walz
Brasch	Geist	Kolowski	Morfeld	Watermeier
Brewer	Groene	Kolterman	Pansing Brooks	Wayne
Briese	Halloran	Kuehn	Quick	Williams
Clements	Hansen	Lindstrom	Riepe	Wishart

Voting in the negative, 0.

Present and not voting, 7:

Bolz	Harr	Larson	Smith
Chambers	Krist	Scheer	

Excused and not voting, 2:

Murante	Stinner
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Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 157. Title read. Considered.

Senator Friesen offered his amendment, AM1693, found on page 479.

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

The Friesen amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Friesen offered the following amendment:

AM1718

1 1. On page 4, line 18, strike "the inverse of" and insert "one
2 minus".

The Friesen amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

SENATOR HOWARD PRESIDING

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

MOTION(S) - Print in Journal

Senator Hughes filed the following motion to LB821:

MO195

Withdraw bill.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 758. Placed on Select File with amendment.

ER103

1 1. On page 1, strike beginning with "the" in line 1 through line 5
2 and insert "water; to provide for voluntary payments in lieu of taxes
3 relating to water augmentation projects as prescribed; to provide for
4 notices, hearings, annual reports, and submission of leases as
5 prescribed; and to declare an emergency."

(Signed) Anna Wishart, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Thursday, February 8, 2018 1:30 p.m.

Mark Czaplewski - Environmental Quality Council

(Signed) Dan Hughes, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 306. Introduced by Clements, 2.

WHEREAS, Terrell "Tree" Dreamer will be inducted into the Nebraska Baseball Hall of Fame on February 11, 2018; and

WHEREAS, Terrell was born on April 19, 1948, to Ralph and Katherine Dreamer of Elmwood; and

WHEREAS, after playing high school baseball for Elmwood, Terrell was recruited to play for Pershing College in Beatrice; and

WHEREAS, with a reputation as a hard working player, Terrell was drafted in 1971 by the Washington Senators; and

WHEREAS, after a short stay in the professional league, Terrell returned to Nebraska and continued to play semi-pro ball for various teams through 1983; and

WHEREAS, Terrell coached Senior American Legion baseball in the late 80's and early 90's for Waverly and Junior Legion for Elmwood in 2010 and 2011; and

WHEREAS, Terrell Dreamer was nominated for induction into the Nebraska Baseball Hall of Fame by a teammate and friend, Anthony Connelly; and

WHEREAS, the Nebraska Baseball Hall of Fame recognizes baseball players for outstanding play in the towns and villages across Nebraska.

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

1. That the Legislature congratulates Terrell Dreamer on his induction into the Nebraska Baseball Hall of Fame.

2. That a copy of this resolution be sent to Terrell Dreamer and the Nebraska Baseball Hall of Fame.

Laid over.

LEGISLATIVE RESOLUTION 307. Introduced by Clements, 2.

WHEREAS, Floyd Thierolf will be posthumously inducted into the Nebraska Baseball Hall of Fame on February 11, 2018; and

WHEREAS, Floyd was born on November 13, 1919, to Henry and Ida Thierolf of Cedar Creek; and

WHEREAS, a scout for the St. Louis Cardinals invited Floyd to try out at Daytona Beach when Floyd was just seventeen years of age; and

WHEREAS, Floyd played for various Cardinal minor league clubs in the south until he enlisted in the army following the attack on Pearl Harbor at the age of nineteen; and

WHEREAS, Floyd returned to the Cardinals after the war, making it to the Cardinal's Triple A ball club before retiring from professional baseball in 1947; and

WHEREAS, Floyd continued to pitch for the semi-pro Fremont Nighthawks in the Pioneer Night League for another ten to twelve years; and

WHEREAS, Floyd Thierolf was nominated for induction into the Nebraska Baseball Hall of Fame by his granddaughter, Traci (Thierolf) Ismert, who did not get to see him play, but knew of his reputation as a player from people who would stop her to say that they had gone out of their way to make sure they made it to the game when Floyd was pitching; and

WHEREAS, the Nebraska Baseball Hall of Fame recognizes baseball players for outstanding play in the towns and villages across Nebraska.

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

1. That the Legislature congratulates the family of Floyd Thierolf on his induction into the Nebraska Baseball Hall of Fame.
2. That a copy of this resolution be sent to Traci (Thierolf) Ismert in honor of her grandfather and to the Nebraska Baseball Hall of Fame.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 480. Title read. Considered.

Committee AM566, found on page 704, First Session, 2017, was offered.

Senator McCollister offered the McCollister-Lindstrom amendment, AM1603, found on page 396, to the committee amendment.

The McCollister-Lindstrom amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 51. Title read. Considered.

SENATOR LINDSTROM PRESIDING

Committee AM267, found on page 708, First Session, 2017, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Pending.

AMENDMENT(S) - Print in Journal

Senator Kolterman filed the following amendment to LB743:
AM1702

- 1 1. On page 19, strike beginning with "A" in line 11 through the 2 underscored period in line 13.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McDonnell name added to LB695.

Senator Morfeld name added to LB1001.

VISITORS

Visitors to the Chamber were 20 members of the Scottsbluff/Gering Leadership Group.

The Doctor of the Day was Dr. Gilbert Head from Omaha.

ADJOURNMENT

At 11:47 a.m., on a motion by Senator Watermeier, the Legislature adjourned until 9:00 a.m., Thursday, February 1, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY - FEBRUARY 1, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****NINETEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 1, 2018

PRAYER

The prayer was offered by Reverend Darin Bentzinger, Panama Presbyterian Church, Panama.

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 Senator Brasch who was excused; and Senators Bolz, Hansen, Hilkemann, Krist, Kuehn, Larson, McCollister, Pansing Brooks, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 256. Placed on Select File with amendment.

ER104

- 1 1. In the Standing Committee amendments, AM452, on page 5, lines 12 and 14, strike "section" and insert "subsection".
- 3 2. On page 1, line 2, after "Act" insert "; and to provide a duty
- 4 for the Revisor of Statutes".

LEGISLATIVE BILL 157. Placed on Select File.

LEGISLATIVE BILL 480. Placed on Select File with amendment.

ER105

- 1 1. On page 1 strike beginning with "provide" in line 1 through line
- 2 2 and insert "amend section 47-701, Reissue Revised Statutes of Nebraska;
- 3 to provide requirements relating to health insurance policies and
- 4 coverage for insureds in temporary jail custody; to harmonize provisions;
- 5 2. to provide a duty for the Revisor of Statutes; and to repeal the original
- 6 section."

(Signed) Anna Wishart, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 297, 298, 299, 300, and 301 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 297, 298, 299, 300, and 301.

GENERAL FILE

LEGISLATIVE BILL 743. Title read. Considered.

Senator Kolterman offered his amendment, AM1702, found on page 488.

The Kolterman amendment was adopted with 32 ayes, 0 nays, 5 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 1 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 757. Title read. Considered.

SENATOR WILLIAMS PRESIDING

Committee AM1648, found on page 469, was offered.

Senator Morfeld offered the following amendment to the committee amendment:

AM1689

(Amendments to Standing Committee amendments, AM1648)

1 1. Strike amendment 1 and insert the following new amendments:

2 1. Strike original section 6 and insert the following new sections:

3 Section 1. Section 8-2602, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 8-2602 For purposes of the Credit Report Protection Act:

6 (1) Consumer reporting agency means any person which, for monetary

7 fees, for dues, or on a cooperative nonprofit basis, regularly engages in

8 whole or in part in the practice of assembling or evaluating consumer

9 credit information or other information on consumers for the purpose of

10 furnishing consumer reports to third parties and which uses any means or

11 facility of interstate commerce for the purpose of preparing or

12 furnishing consumer reports;

13 (2) Credit report has the same meaning as consumer report as defined

14 in 15 U.S.C. 1681a(d);

15 (3) File, when used in connection with information on any consumer

16 or protected consumer, means all of the information on that consumer or
17 protected consumer recorded and retained by a consumer reporting agency
18 regardless of how the information is stored. File does not include a
19 record;

20 (4) Protected consumer means an individual who is (a) under sixteen
21 years of age at the time a request for the placement of a security freeze
22 is made or (b) an incapacitated person for whom a guardian or guardian ad
23 litem has been appointed;

24 (5) Record means a compilation of information that (a) identifies a
25 protected consumer, (b) is created by a consumer reporting agency solely
26 for the purpose of complying with section 8-2603.01, and (c) may not be
1 created or used to consider the protected consumer's credit worthiness,
2 credit standing, credit capacity, character, general reputation, personal
3 characteristics, or mode of living;

4 (6) Representative means a person who provides to a consumer
5 reporting agency sufficient proof of authority to act on behalf of a
6 protected consumer;

7 (7) Security freeze means:

8 (a) A notice placed in a consumer's file as provided in section
9 8-2603 that prohibits the consumer reporting agency from releasing a
10 credit report, or any other information derived from the file, in
11 connection with the extension of credit or the opening of a new account,
12 without the express authorization of the consumer;

13 (b) If a consumer reporting agency does not have a file pertaining
14 to a protected consumer, a restriction that:

15 (i) Is placed on the protected consumer's record in accordance with
16 section 8-2603.01; and

17 (ii) Prohibits the consumer reporting agency from releasing the
18 protected consumer's record except as provided in the Credit Report
19 Protection Act; or

20 (c) If a consumer reporting agency has a file pertaining to the
21 protected consumer, a restriction that:

22 (i) Is placed on the protected consumer's credit report in
23 accordance with section 8-2603.01; and

24 (ii) Prohibits the consumer reporting agency from releasing the
25 protected consumer's credit report or any information derived from the
26 protected consumer's credit report except as provided in section
27 8-2608.01;

28 (8) Substantially similar type of security product means any product
29 that provides the same level of protection to a consumer's or protected
30 consumer's credit report as that provided under the Credit Report
31 Protection Act regardless of the contact method used by a consumer or
1 protected consumer to request, temporarily lift, or remove a restriction
2 placed on the consumer's or protected consumer's credit report;

3 ~~(9)~~ (8) Sufficient proof of authority means documentation that shows
4 a representative has authority to act on behalf of a protected consumer.
5 Sufficient proof of authority includes, but is not limited to, an order
6 issued by a court of law, a lawfully executed and valid power of
7 attorney, or a written notarized statement signed by a representative

8 that expressly describes the authority of the representative to act on
9 behalf of a protected consumer. A representative who is a parent may
10 establish sufficient proof of authority by providing a certified or
11 official copy of the protected consumer's birth certificate;
12 ~~(10) (9)~~ Sufficient proof of identification means information or
13 documentation that identifies a consumer, a protected consumer, or a
14 representative of a protected consumer. Sufficient proof of
15 identification includes, but is not limited to, a social security number
16 or a copy of a social security card, a certified or official copy of a
17 birth certificate, a copy of a valid driver's license, or any other
18 government-issued identification; and
19 ~~(11) (10)~~ Victim of identity theft means a consumer or protected
20 consumer who has a copy of an official police report evidencing that the
21 consumer or protected consumer has alleged to be a victim of identity
22 theft.

23 Sec. 7. (1) To protect personal information from unauthorized
24 access, acquisition, destruction, use, modification, or disclosure, an
25 individual or a commercial entity that conducts business in Nebraska and
26 owns, licenses, or maintains data that includes personal information
27 about a resident of Nebraska shall implement and maintain reasonable
28 security procedures and practices that are appropriate to the nature and
29 sensitivity of the personal information owned, licensed, or maintained
30 and the nature and size of the business and its operations, including
31 safeguards that protect the personal information when the individual or
1 commercial entity disposes of the personal information.

2 (2) An individual or commercial entity that discloses personal
3 information about a Nebraska resident to a nonaffiliated, third-party
4 service provider shall require by contract that the service provider
5 implement and maintain reasonable security procedures and practices that:

6 (a) Are appropriate to the nature of the personal information
7 disclosed to the service provider; and
8 (b) Are reasonably designed to help protect the personal information
9 from unauthorized access, acquisition, destruction, use, modification, or
10 disclosure.

11 (3) An individual or a commercial entity complies with subsections
12 (1) and (2) of this section if the individual or commercial entity:

13 (a) Complies with a state or federal law that provides greater
14 protection to personal information than the protections that this section
15 provides; or

16 (b) Complies with the regulations promulgated under Title V of the
17 Gramm-Leach-Bliley Act, 15 U.S.C. 6801 et seq., or the Health Insurance
18 Portability and Accountability Act of 1996, 42 U.S.C. 1320d to 1320d-9,
19 as such act and sections existed on January 1, 2018, if the individual or
20 commercial entity is subject to either or both of such act or sections.

21 2. On page 3, line 25, after the period insert "This subsection does
22 not apply if the substantially similar type of security product, alone or
23 in combination with another product, provides greater protection to the
24 consumer than a security freeze.".

25 3. On page 4, line 8, after the period insert "This section does not

26 apply if the substantially similar type of security product, alone or in
27 combination with another product, provides greater protection to the
28 protected consumer than a security freeze."; and in line 22 strike "6"
29 and insert "7".

30 4. On page 5, line 29, strike "6" and insert "7".

31 5. On page 6, line 3, after "sections" insert "8-2602,".

1 6. Renumber the remaining sections accordingly.

The Morfeld amendment was adopted with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

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

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

NOTICE OF COMMITTEE HEARING(S)

Executive Board

Room 2102

Thursday, February 8, 2018 12:00 p.m.

LB1053

LB1099

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

LB1078

LR288

Wednesday, February 14, 2018 12:00 p.m.

LR277

LR286

Wednesday, February 21, 2018 12:00 p.m.

LR295CA

LR296

(Signed) Dan Watermeier, Chairperson

ANNOUNCEMENT(S)

The Legislative Performance Audit Committee designates LB936 as its priority bill.

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB1054:
AM1727

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

MOTION(S) - Withdraw LB821

Senator Hughes offered his motion, MO195, found on page 486, to withdraw LB821.

SPEAKER SCHEER PRESIDING

The Hughes motion to withdraw the bill prevailed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 51. Considered.

SENATOR HUGHES PRESIDING

Senator Schumacher offered the following motion:
MO196
Indefinitely postpone.

Senator Chambers offered the following motion:
MO197
Bracket until April 18, 2018.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

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

Voting in the affirmative, 26:

Baker	Kolowski	McCollister	Scheer	Williams
Clements	Kolterman	McDonnell	Stinner	Wishart
Erdman	Krist	Morfeld	Thibodeau	
Hansen	Kuehn	Murante	Vargas	
Hilgers	Lindstrom	Pansing Brooks	Watermeier	
Hughes	Linehan	Riepe	Wayne	

Voting in the negative, 14:

Albrecht	Bostelman	Crawford	Halloran	Schumacher
Blood	Brewer	Friesen	Hilkemann	Walz
Bolz	Briese	Geist	Lowe	

Present and not voting, 3:

Chambers	Quick	Smith
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Excused and not voting, 6:

Brasch	Groene	Howard
Ebke	Harr	Larson

The Chambers motion to bracket prevailed with 26 ayes, 14 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING(S)
Revenue

Room 1524

Thursday, February 8, 2018 1:30 p.m.

LB976
LB1084
LB919

(Signed) Jim Smith, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 308. Introduced by Pansing Brooks, 28.

WHEREAS, the National Education Policy Center recognizes a small number of schools each year as Schools of Opportunity; and

WHEREAS, Lincoln High School was recognized as one of only eight Schools of Opportunity across the country this year; and

WHEREAS, Lincoln High School creates and maintains a healthy school culture, using multiple measures to assess student learning and to provide more and better learning time; and

WHEREAS, Lincoln High School provides rich, supportive opportunities for students with special needs, while broadening and enriching learning opportunities for all students; and

WHEREAS, Lincoln High School supports teachers as professionals and enacts a challenging and supported culturally-relevant curriculum; and

WHEREAS, Lincoln High School builds on the strengths of language-minority students and sustains equitable and meaningful parent and community engagement; and

WHEREAS, this distinction serves as a testament to the outstanding work of the educators, administrators, and students at Lincoln High School.

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

1. That the Legislature congratulates the educators, administrators, and students of Lincoln High School on being named one of eight Schools of Opportunity nationwide for creating rich learning experiences for all students, where diversity and unity drive a culture of support and academic challenge in a school where everyone finds a place to belong.

2. That a copy of this resolution be sent to Lincoln Public Schools Superintendent Dr. Steve Joel and Principal Mark Larson.

Laid over.

LEGISLATIVE RESOLUTION 309. Introduced by Hughes, 44.

WHEREAS, Bill Cotton will be posthumously inducted into the Nebraska Baseball Hall of Fame on February 11, 2018; and

WHEREAS, Bill was born on October 20, 1947, to Thomas and Anne Cotton of McCook; and

WHEREAS, Bill made the Legion team at the age of 12 but was not allowed to play because of his youth. Bill later earned honors as an all star catcher on the North Platte team; and

WHEREAS, Bill chose to play baseball for college powerhouse Arizona State University, despite being selected in the fourth round of the major league draft right out of high school and being recruited by Bob Devaney to play football for the Cornhuskers; and

WHEREAS, the All-American catcher hit a three-run homer to help the Sun Devils win the national championship in the 1969 College World Series in Omaha; and

WHEREAS, Bill was chosen by the New York Mets in the first round of the 1969 supplemental draft and played six seasons in the minor leagues for teams in Iowa, Florida, California, Tennessee, and Virginia; and

WHEREAS, the Nebraska Baseball Hall of Fame recognizes baseball players for outstanding play in the towns and villages across Nebraska.

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

1. That the Legislature congratulates the family of Bill Cotton on his induction into the Nebraska Baseball Hall of Fame.

2. That a copy of this resolution be sent to Tom Cotton in honor of his brother and to the Nebraska Baseball Hall of Fame.

Laid over.

MOTION(S) - Unbracket LB51

Senator Chambers offered the following motion to LB51:
 MO199
 Unbracket the bill.

SPEAKER SCHEER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the motion to unbracket.

Voting in the affirmative, 4:

Blood	Chambers	Lowe	Schumacher
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Voting in the negative, 28:

Albrecht	Crawford	Kolterman	Morfeld	Thibodeau
Baker	Geist	Krist	Murante	Vargas
Bostelman	Hansen	Kuehn	Pansing Brooks	Walz
Brewer	Hilgers	Lindstrom	Quick	Wishart
Briese	Hilkemann	Linehan	Riepe	
Clements	Hughes	McDonnell	Scheer	

Present and not voting, 8:

Bolz	Friesen	McCollister	Wayne
Ebke	Kolowski	Stinner	Williams

Excused and not voting, 9:

Brasch	Groene	Harr	Larson	Watermeier
Erdman	Halloran	Howard	Smith	

The Chambers motion to unbracket failed with 4 ayes, 28 nays, 8 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING(S)
 Transportation and Telecommunications

Room 1113

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

Barbara J. Keegan - Board of Public Roads Classifications and Standards
 LB1136

LB1011
LB1049
LB1080
LB1092

Tuesday, February 13, 2018 1:30 p.m.

LB1063
LB989
LB1122
LB1043
LB1031

Room 2102

Thursday, February 15, 2018 1:00 p.m.

James Litchfield - Board of Public Roads Classifications and Standards
Edward R. Wootton Sr. - Board of Public Roads Classifications and Standards

(Signed) Curt Friesen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to LB479:
AM1631

(Amendments to Standing Committee amendments, AM35)

1 1. On page 1, line 2, after the semicolon insert "in line 19 after
2 'make' insert 'at least three';"

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Brewer name added to LB109.
Senator Bolz name added to LB211.
Senator Briese name added to LB694.
Senator Hansen name added to LB695.
Senator Briese name added to LB695.
Senator Watermeier name added to LB729.
Senator Hansen name added to LB1001.

VISITORS

Visitors to the Chamber were John Hanson from McCook; and 25 members of the Boards of Governors of Western, Mid Plains, Central, Northeast, and Southeast Community Colleges.

The Doctor of the Day was Dr. Dale Michels from Walton.

ADJOURNMENT

At 11:49 a.m., on a motion by Senator Bolz, the Legislature adjourned until 9:00 a.m., Friday, February 2, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTIETH DAY - FEBRUARY 2, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****TWENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 2, 2018

PRAYER

The prayer was offered by Reverend Michael Davis, retired from United Methodist Church of the Great Plains, Gretna.

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 Brasch, Hilgers, and Smith who were excused; and Senators Friesen, Groene, Hansen, Linehan, Morfeld, Pansing Brooks, and Wayne who were excused until they arrive.

SENATOR LINDSTROM PRESIDING**CORRECTIONS FOR THE JOURNAL**

The Journal for the nineteenth day was approved.

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 838. Placed on General File.

(Signed) Merv Riepe, Chairperson

AMENDMENT(S) - Print in Journal

Senator Stinner filed the following amendment to LB611:
AM1716

- 1 1. On page 3, line 9, strike "agency or"; in line 29 after
- 2 "assistance" insert "which is"; and in line 30 strike "whether" and
- 3 insert "and which is required to be submitted to the budget request and
- 4 reporting system of the Department of Administrative Services, whether
- 5 received".

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 1, 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

Baird Holm LLP
American Institute of Architects, Nebraska Chapter
Cohn, Joseph
Foundation for Individual Rights in Education (FIRE)
Coward, Tyler W.
Foundation for Individual Rights in Education (FIRE)
CP Strategies LLC
DraftKings Inc.
FanDuel, Inc.
Hatfield, Scott S.
Isodiol, International
Heartland Strategy Group, LLC
Offutt AFB America First Communities, LLC
Hilton, Felicia
North Central States Regional Council of Carpenters
Mello, Heath
University of Nebraska
Monetta, Michael
Wolf-PAC
Mueller Robak
Grow Nebraska Tax Coalition
Nebraska Strategies
Consumer Data Industry Association
Neilan Strategy Group
Wireless Infrastructure Association c/o MultiState Associates Inc.
O'Connor, Sheila
Nebraska Trucking Association
Pappas, James E.
League of Human Dignity
Radcliffe, Walter H. of Radcliffe and Associates
Medica
Remington, Angie
Nebraska Civic Engagement Table

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>

GENERAL FILE

LEGISLATIVE BILL 744. Title read. Considered.

SPEAKER SCHEER PRESIDING

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

MOTION(S) - Confirmation Report(s)

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 449:

Environmental Quality Council
John Dilsaver
Alden Zuhlke

Voting in the affirmative, 36:

Albrecht	Crawford	Hughes	McDonnell	Walz
Baker	Ebke	Kolowski	Murante	Watermeier
Blood	Erdman	Kolterman	Pansing Brooks	Williams
Bolz	Friesen	Larson	Quick	Wishart
Bostelman	Geist	Lindstrom	Riepe	
Briese	Halloran	Linehan	Scheer	
Chambers	Hansen	Lowe	Schumacher	
Clements	Hilkemann	McCollister	Stinner	

Voting in the negative, 0.

Present and not voting, 8:

Brewer	Howard	Kuehn	Thibodeau
Harr	Krist	Morfeld	Vargas

Excused and not voting, 5:

Brasch	Groene	Hilgers	Smith	Wayne
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The appointments were confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 449:

Nebraska Ethanol Board
Bradley Bird

Voting in the affirmative, 35:

Blood	Ebke	Hughes	McDonnell	Stinner
Bolz	Erdman	Kolowski	Murante	Thibodeau
Bostelman	Friesen	Kolterman	Pansing Brooks	Vargas
Brewer	Geist	Larson	Quick	Walz
Briese	Halloran	Lindstrom	Riepe	Watermeier
Chambers	Hansen	Linehan	Scheer	Williams
Clements	Hilkemann	Lowe	Schumacher	Wishart

Voting in the negative, 0.

Present and not voting, 9:

Albrecht	Crawford	Howard	Kuehn	Morfeld
Baker	Harr	Krist	McCollister	

Excused and not voting, 5:

Brasch	Groene	Hilgers	Smith	Wayne
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The appointment was confirmed with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Ebke moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 468:

Crime Victim's Reparations Committee
 G. Randall Hansen
 Thomas Parker

Voting in the affirmative, 38:

Albrecht	Clements	Hilkemann	Lowe	Stinner
Baker	Crawford	Howard	McDonnell	Thibodeau
Blood	Ebke	Kolowski	Murante	Walz
Bolz	Erdman	Kolterman	Pansing Brooks	Watermeier
Bostelman	Friesen	Krist	Quick	Williams
Brewer	Geist	Larson	Riepe	Wishart
Briese	Halloran	Lindstrom	Scheer	
Chambers	Hansen	Linehan	Schumacher	

Voting in the negative, 0.

Present and not voting, 6:

Harr	Kuehn	Morfeld
Hughes	McCollister	Vargas

Excused and not voting, 5:

Brasch	Groene	Hilgers	Smith	Wayne
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The appointments were confirmed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Senator Kolterman moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 483:

Nebraska Investment Council
John Conley

Voting in the affirmative, 38:

Albrecht	Clements	Hilkemann	Lowe	Stinner
Baker	Crawford	Howard	McCollister	Thibodeau
Blood	Ebke	Hughes	McDonnell	Walz
Bolz	Erdman	Kolowski	Murante	Watermeier
Bostelman	Friesen	Kolterman	Quick	Williams
Brewer	Geist	Krist	Riepe	Wishart
Briese	Halloran	Larson	Scheer	
Chambers	Hansen	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 6:

Harr	Linehan	Pansing Brooks
Kuehn	Morfeld	Vargas

Excused and not voting, 5:

Brasch	Groene	Hilgers	Smith	Wayne
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The appointment was confirmed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 484:

Foster Care Advisory Committee
Michele R. Marsh
Peggy Snurr

Voting in the affirmative, 34:

Albrecht	Crawford	Hilkemann	Lowe	Scheer
Baker	Ebke	Howard	McCollister	Schumacher
Blood	Erdman	Hughes	McDonnell	Stinner
Bostelman	Friesen	Kolowski	Murante	Walz
Brewer	Geist	Kolterman	Pansing Brooks	Watermeier
Chambers	Halloran	Krist	Quick	Williams
Clements	Hansen	Larson	Riepe	

Voting in the negative, 0.

Present and not voting, 10:

Bolz	Harr	Lindstrom	Morfeld	Vargas
Briese	Kuehn	Linehan	Thibodeau	Wishart

Excused and not voting, 5:

Brasch	Groene	Hilgers	Smith	Wayne
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The appointments were confirmed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 480:

Nebraska State Patrol
John Andrew Bolduc, Superintendent

Voting in the affirmative, 37:

Albrecht	Erdman	Hughes	Morfeld	Thibodeau
Baker	Friesen	Kolowski	Murante	Vargas
Blood	Geist	Kolterman	Pansing Brooks	Walz
Bostelman	Groene	Lindstrom	Quick	Wayne
Brewer	Halloran	Linehan	Riepe	Wishart
Briese	Hansen	Lowe	Scheer	
Clements	Harr	McCollister	Schumacher	
Ebke	Hilkemann	McDonnell	Stinner	

Voting in the negative, 0.

Present and not voting, 9:

Bolz	Crawford	Krist	Larson	Williams
Chambers	Howard	Kuehn	Watermeier	

Excused and not voting, 3:

Brasch	Hilgers	Smith
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The appointment was confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 321. Senator Bostelman withdrew his amendment, AM1522, found on page 360.

Senator Bostelman offered the following amendment:

AM1655

1 1. On page 2, line 18, after the comma insert "to include rifle,
2 pistol, and shotgun disciplines.".

Senator Bostelman requested a record vote on his amendment.

Voting in the affirmative, 28:

Baker	Clements	Halloran	Lowe	Scheer
Blood	Crawford	Hansen	McCollister	Schumacher
Bolz	Erdman	Hilkemann	Morfeld	Thibodeau
Bostelman	Friesen	Howard	Pansing Brooks	Walz
Briese	Geist	Hughes	Quick	
Chambers	Groene	Kolterman	Riepe	

Voting in the negative, 0.

Present and not voting, 18:

Albrecht	Kolowski	Lindstrom	Stinner	Williams
Brewer	Krist	Linehan	Vargas	Wishart
Ebke	Kuehn	McDonnell	Watermeier	
Harr	Larson	Murante	Wayne	

Excused and not voting, 3:

Brasch	Hilgers	Smith
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The Bostelman amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

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

Voting in the affirmative, 35:

Albrecht	Clements	Hansen	McCollister	Schumacher
Baker	Crawford	Hilkemann	McDonnell	Thibodeau
Blood	Erdman	Howard	Morfeld	Walz
Bolz	Friesen	Hughes	Pansing Brooks	Watermeier
Bostelman	Geist	Kolowski	Quick	Wayne
Briese	Groene	Kolterman	Riepe	Williams
Chambers	Halloran	Lowe	Scheer	Wishart

Voting in the negative, 0.

Present and not voting, 11:

Brewer	Krist	Lindstrom	Stinner
Ebke	Kuehn	Linehan	Vargas
Harr	Larson	Murante	

Excused and not voting, 3:

Brasch	Hilgers	Smith
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Advanced to Enrollment and Review for Engrossment with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT(S)

Executive Board

LEGISLATIVE BILL 751. Placed on General File.

LEGISLATIVE BILL 936. Placed on General File.

(Signed) Dan Watermeier, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 310. Introduced by Kolowski, 31.

WHEREAS, Gabrielle "Gabby" McGinn was named the Gatorade Nebraska Girls Cross Country Runner of the Year; and

WHEREAS, Ms. McGinn won the individual 2017 Class A Girls State Cross Country Championship, helping the Millard West Wildcats win their second straight team Class A Girls State Cross Country Championship; and

WHEREAS, Ms. McGinn is a three-time All-State selection; and

WHEREAS, Ms. McGinn has maintained a weighted 4.21 GPA and will attend Washington University in St. Louis, where she will run for the cross country and track teams; and

WHEREAS, the Gatorade Player of the Year award was established in 1985 to recognize the nation's most elite high school student-athletes for their athletic excellence, academic achievement, and exemplary character; 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 Gabrielle McGinn on receiving the Gatorade Nebraska Girls Cross Country Runner of the Year.
2. That a copy of this resolution be sent to Gabby McGinn and to the superintendent of the Millard Public Schools System, Jim Sutfin.

Laid over.

LEGISLATIVE RESOLUTION 311. Introduced by Kolterman, 24.

WHEREAS, the Seward High School boys' bowling team won the 2017 Nebraska High School Bowling Federation Class B State Championship; and

WHEREAS, the Seward team swept Gretna 3-0 for the team's first state championship since 2003; and

WHEREAS, team members Clint Koetter, Avery Stillahn, Garrett Kuss, Elias Stillahn, Thomas Ringler, Erich Stillahn, and Chase Prochnow all contributed to the team's winning season; 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 Seward High School boys' bowling team on winning the 2017 Nebraska High School Bowling Federation Class B State Championship.
2. That a copy of this resolution be sent to the Seward High School boys' bowling team and Coach Rich Gokie.

Laid over.

COMMITTEE REPORT(S)
Natural Resources

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

Joseph Citta - Environmental Quality Council
Mohamed Dahab - Environmental Quality Council

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

(Signed) Dan Hughes, Chairperson

GENERAL FILE

LEGISLATIVE BILL 211. Title read. Considered.

Senator Hansen offered his amendment, AM1604, found on page 397.

Pending.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Halloran name added to LB747.

Senator Chambers name added to LB792.

Senator Wayne name added to LB993.

Senator Wayne name added to LB994.

Senator Chambers name added to LB1127.

VISITORS

Visitors to the Chamber were 20 students and teachers from Peru State College; Senator Linehan's sister, Elizabeth Ebeler, from Crab Orchard; Maddie Pollak, Caroline Silva, Sky Williams, and Alexis Woodie from Omaha; members of the Nebraska Veterans Council from the American Legion, VFW, DAV, AMVETS, Vietnam Veterans of America, Paralyzed Veterans of America, Military Order of the Purple Heart, and Marine Corp League; and members of the International Visitor Leadership Program from Austria, Czech Republic, Greece, and Malta.

The Doctor of the Day was Dr. Doug Dunning from Omaha.

MOTION - Adjournment

Senator Watermeier moved to adjourn. The motion prevailed with 23 ayes, 7 nays, 16 present and not voting, and 3 excused and not voting, and at 11:46 a.m., the Legislature adjourned until 9:00 a.m., Monday, February 5, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIRST DAY - FEBRUARY 5, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 5, 2018

PRAYER

The prayer was offered by Pastor Steve Mason, South Pointe Christian Church, Lincoln.

ROLL CALL

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

The roll was called and all members were present except Senators Halloran and Wishart who were excused; and Senators Groene, Hansen, Harr, Larson, Morfeld, Schumacher, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

ANNOUNCEMENT(S)

The Banking, Commerce and Insurance Committee designates LB750 as its priority bill.

MESSAGE(S) FROM THE GOVERNOR

February 1, 2018

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Climate Assessment Response Committee:

Carl Sousek, 2816 County Road S, Prague, NE 68050

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

February 1, 2018

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Boiler Safety Code Advisory Board:

Johnie Jason Girmus, 1372 Ithaca Road, Ithaca, NE 68033

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

GENERAL FILE

LEGISLATIVE BILL 710. Title read. Considered.

Committee AM1683, found on page 469, was offered.

Senator Chambers offered the following amendment to the committee amendment:

FA96
Amend AM1683
Strike lines 1-3.

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 34:

Albrecht	Clements	Hughes	Lowe	Scheer
Baker	Erdman	Kolterman	McCollister	Smith
Bolz	Geist	Krist	McDonnell	Thibodeau
Bostelman	Hansen	Kuehn	Morfeld	Vargas
Brasch	Harr	Larson	Pansing Brooks	Walz
Brewer	Hilgers	Lindstrom	Quick	Williams
Briese	Hilkemann	Linehan	Riepe	

Present and not voting, 6:

Blood	Friesen	Kolowski
Chambers	Groene	Schumacher

Excused and not voting, 9:

Crawford	Halloran	Murante	Watermeier	Wishart
Ebke	Howard	Stinner	Wayne	

The Chambers amendment lost with 0 ayes, 34 nays, 6 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S) Appropriations

LEGISLATIVE BILL 775. Placed on General File with amendment.

AM1723

1 1. On page 2, line 20, after the period insert "Construction manager
2 may include, but is not limited to, an architect licensed pursuant to the
3 Engineers and Architects Regulation Act or an engineer licensed pursuant
4 to the act.".

5 2. On page 3, line 5, after the period insert "Design-builder may
6 include, but is not limited to, an architect licensed pursuant to the
7 Engineers and Architects Regulation Act or an engineer licensed pursuant
8 to the act.".

9 3. On page 4, lines 13 and 14, strike "engineering or architectural
10 consultant" and insert "architect licensed pursuant to the Engineers and
11 Architects Regulation Act or an engineer licensed pursuant to the act".

12 4. On page 8, line 12, after the period insert "The refusal to pay
13 or accept the stipend shall leave the intellectual property contained in

14 the proposals and alternative technical concepts in the possession of the
 15 creator of the proposals and alternative technical concepts.".

(Signed) John Stinner, Chairperson

AMENDMENT(S) - Print in Journal

Senator Pansing Brooks filed the following amendment to LB158:
 AM1772

(Amendments to Standing Committee amendments, AM145)

1 1. Insert the following new amendments:

2 1. Insert the following new sections:

3 Section 1. The Juvenile Indigent Defense Fund is created. The fund
 4 shall be administered by the Commission on Public Advocacy and shall only
 5 be used to provide legal services to juveniles in juvenile court and
 6 provide resources to assist counties in fulfilling their obligation to
 7 provide for effective assistance of legal counsel for indigent juveniles.
 8 The commission shall distribute money in the fund periodically in the
 9 form of grants to counties under the Juvenile Indigent Defense Grant
 10 Program as provided by the commission's rules and regulations. Any money
 11 in the fund available for investment shall be invested by the state
 12 investment officer pursuant to the Nebraska Capital Expansion Act and the
 13 Nebraska State Funds Investment Act.

14 Sec. 2. (1) There is created a separate and distinct budgetary
 15 program within the Commission on Public Advocacy to be known as the
 16 Juvenile Indigent Defense Grant Program. Funds from the Juvenile Indigent
 17 Defense Fund shall be used to provide grants to counties to help offset
 18 the cost of providing legal counsel for indigent juveniles and for the
 19 administrative costs of the commission.

20 (2)(a) A county may apply for a grant under the program beginning
 21 September 15, 2019.

22 (b) To be eligible for a grant under the program, a county shall
 23 demonstrate to the commission that, after the operative date of this act,
 24 the county's per capita juvenile court costs have increased, as compared
 25 to such county's per capita juvenile court costs for the preceding three
 26 fiscal years. The county shall provide the commission with data showing
 1 that such increase in costs was due to the implementation of this
 2 legislative bill and pinpointing the factors contributing to such
 3 increase.

4 (c) Funds provided to counties under the program shall be used
 5 exclusively to provide legal counsel for indigent juveniles.

6 (3) Any county receiving a grant under the program shall annually
 7 submit information electronically to the commission as required by the
 8 commission's rules and regulations. Such information shall include, but
 9 not be limited to, the number of juveniles that received legal
 10 representation as a result of this legislative bill and the reason or
 11 reasons for not otherwise providing legal representation.

12 (4) On or before October 1, 2020, and each October 1 thereafter, the
 13 commission shall electronically submit a report to the Legislature

14 concerning the distribution and use of funds for grants provided under
15 the program. The report shall include, but not be limited to, the
16 information described in subsection (3) of this section.

17 (5) The commission shall adopt and promulgate rules and regulations
18 as necessary to implement this section and section 1 of this act.

19 Sec. 3. Section 29-2709, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 29-2709 When any costs in misdemeanor, traffic, felony preliminary,
22 or juvenile cases in county court, except for those costs provided for in
23 subsection (3) of section 24-703, two dollars of the fee provided in
24 section 33-107.01, the court automation fee provided in section
25 33-107.03, the juvenile indigent defense fee provided in section 4 of
26 this act, and the uniform data analysis fee provided in section 47-633,
27 are found by a county judge to be uncollectible for any reason, including
28 the dismissal of the case, such costs shall be deemed waived unless the
29 judge, in his or her discretion, enters an order assessing such portion
30 of the costs as by law would be paid over by the court to the State
31 Treasurer as follows:

1 (1) In all cases brought by or with the consent of the county
2 attorney, all such uncollectible costs shall be certified by the clerk of
3 the court to the county clerk who shall present the bills therefor to the
4 county board. The county board shall pay from the county general fund all
5 such bills found by the board to be lawful; and

6 (2) In all cases brought under city or village ordinance, all such
7 uncollectible costs shall be certified to the appropriate city or village
8 officer authorized to receive claims who shall present the bills therefor
9 to the governing body of the city or village in the same manner as other
10 claims. Such governing body shall pay from the general fund of the city
11 or village all such bills as are found to be lawful.

12 Sec. 4. In addition to all other court costs assessed according to
13 law, a juvenile indigent defense fee of one dollar shall be assessed as
14 costs for each case filed in each county court, separate juvenile court,
15 and district court, including appeals to such courts, and for each appeal
16 and original action filed in the Court of Appeals and the Supreme Court.
17 The fees shall be remitted to the State Treasurer on forms prescribed by
18 the State Treasurer within ten days after the end of each month. The
19 State Treasurer shall credit the fees to the Juvenile Indigent Defense
20 Fund.

21 Sec. 7. This act becomes operative on September 15, 2018.

22 4. Renumber the remaining sections and amend the repealer
23 accordingly.

24 5. Renumber the remaining amendments accordingly.

Senator Erdman filed the following amendment to LB17:

AM1528

1 1. On page 4, line 19; and page 15, line 27, strike "2017" and
2 insert "2018".

3 2. On page 7, lines 16 and 22, after the comma insert "as such
4 regulation existed on January 1, 2018.".

5 3. On page 8, line 10, after "1813" insert "as such section
6 existed on January 1, 2018,".

7 4. On page 19, line 16, after "revoked" insert an underscored comma.

ANNOUNCEMENT(S)

The Appropriations Committee designates LB775 as its priority bill.

GENERAL FILE

LEGISLATIVE BILL 710. Senator Chambers offered the following motion:

MO201

Reconsider the vote taken on FA96.

The Chambers motion to reconsider failed with 2 ayes, 18 nays, 16 present and not voting, and 13 excused and not voting.

Pending.

COMMITTEE REPORT(S)

General Affairs

The General Affairs 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.

Steven F. Anderson - Nebraska Arts Council
Alec Gorynski - Nebraska Arts Council
Ellen Hornady - Nebraska Arts Council
Darrel J. Huenergardt - Nebraska Arts Council
Sue Roush - Nebraska Arts Council
Heather Schneider - Nebraska Arts Council

Aye: 8 Blood, Brasch, Krist, Larson, Quick, Riepe, Thibodeau, Wayne.
Nay: 0. Absent: 0. Present and not voting: 0.

The General Affairs 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.

Jeffrey Galyen - State Racing Commission
Dennis Patrick Lee - State Racing Commission

Aye: 8 Blood, Brasch, Krist, Larson, Quick, Riepe, Thibodeau, Wayne.
Nay: 0. Absent: 0. Present and not voting: 0.

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

John Hiller - State Electrical Board

Aye: 8 Blood, Brasch, Krist, Larson, Quick, Riepe, Thibodeau, Wayne.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 906. Placed on General File.

LEGISLATIVE BILL 913. Placed on General File.

LEGISLATIVE BILL 923. Placed on General File.

LEGISLATIVE BILL 708. Placed on General File with amendment.
AM1632

1 1. On page 2, line 13, after the semicolon insert "by operation of
2 law pursuant to section 43-1409;".

LEGISLATIVE BILL 714. Placed on General File with amendment.
AM1754

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

3 Section 1. Sections 1 to 10 of this act provide a procedure for
4 judicial emancipation of a minor.

5 Sec. 2. A minor who is at least sixteen years of age, who is married
6 or living apart from his or her parents or legal guardian, and who is a
7 legal resident may file a petition in the district court of his or her
8 county of residence for a judgment of emancipation. The petition shall be
9 signed and verified by the minor.

10 Sec. 3. A petition for emancipation filed pursuant to section 2 of
11 this act shall state:

12 (1) The name, age, and address of the minor;

13 (2) The names and addresses of the parents of the minor, if known;

14 (3) The name and address of any legal guardian of the minor, if
15 known;

16 (4) If the name or address of a parent or legal guardian is unknown,
17 the name and address of the child's nearest known relative residing
18 within this state;

19 (5) Whether the minor is a party to or the subject of a pending
20 judicial proceeding in this state or any other jurisdiction, or the
21 subject of a judicial order of any description issued in connection with
22 such pending judicial proceeding, if known;

23 (6) The state, county, and case number of any court case in which an
24 order of support has been entered, if known;

25 (7) That the minor is seeking a judgment of emancipation; and
26 (8) Specific facts to support the petition, including:
27 (a) That the minor willingly lives apart from his or her parents or
1 legal guardian;
2 (b) That the minor is able to support himself or herself without
3 financial assistance, or, in the alternative, the minor has no parent,
4 legal guardian, or custodian who is providing support;
5 (c) That the minor is mature and knowledgeable to manage his or her
6 affairs without the guidance of a parent or legal guardian;
7 (d) That the minor has demonstrated an ability and commitment to
8 obtain and maintain education, vocational training, or employment;
9 (e) The reasons why emancipation would be in the best interests of
10 the minor; and
11 (f) The purposes for which emancipation is requested.
12 Sec. 4. Upon filing the petition, a notice of filing, together with
13 a copy of the petition for emancipation and a summons to appear at the
14 hearing, shall be served:
15 (1)(a) Upon the parents or legal guardian of the minor or, if the
16 parents or legal guardian cannot be found, the nearest known relative of
17 the minor residing within the state, if any; and
18 (b) Upon the legal custodian of the minor, if any; or
19 (2) By publication pursuant to section 25-519, if service pursuant
20 to subdivision (1) of this section is not possible.
21 Sec. 5. The court shall hold a hearing on the merits of the petition
22 no sooner than forty-five days after the date of filing but within sixty
23 days after the date of its filing. The petitioner shall notify by
24 certified mail the petitioner's parent or legal guardian or the
25 petitioner's nearest known relative residing within the state, whichever
26 is given notice under section 4 of this act, if any, and the petitioner's
27 legal custodian, if any, of the time, date, and place of the hearing at
28 least thirty days prior to the hearing date. Proof of such notice shall
29 be filed prior to the hearing on the petition. For good cause shown, the
30 court may continue the initial emancipation hearing.
31 Sec. 6. The minor's parent or legal guardian and the minor's legal
1 custodian may file an objection to the petition for emancipation within
2 thirty days of service of the notice of the hearing.
3 Sec. 7. (1) The minor has the burden of proving by clear and
4 convincing evidence that the requirements for ordering emancipation under
5 this section have been met. Prior to entering a judgment of emancipation,
6 the court shall advise the minor of the consequences of emancipation,
7 including, but not limited to, the benefits and services available to an
8 emancipated minor and the risks involved with being emancipated. Such
9 advisements shall include, at a minimum, the words to the following
10 effect:
11 (a) If you become emancipated, you will have some of the rights that
12 come with adulthood. These rights include: Handling your own affairs;
13 living where you choose; entering into contracts; keeping and spending
14 your money; making decisions regarding your own health care, medical
15 care, dental care, and mental health care, without parental knowledge;

16 enlisting in the military without your parent's consent; marrying without
17 your parent's consent; applying for public assistance; suing someone or
18 being sued; enrolling in school or college; and owning real property;
19 (b) Even if you are emancipated, you still must: Stay in school as
20 required by Nebraska law; be subject to child labor laws and work permit
21 rules limiting the number of hours you can work; and be of legal age to
22 consume alcohol; and
23 (c) When you become emancipated: You lose your right to have
24 financial support for basic living expenses for food, clothing, and
25 shelter, and health care paid for by your parents or guardian; your
26 parents or guardian will no longer be legally or financially responsible
27 if you injure someone; and being emancipated does not automatically make
28 you eligible for public assistance or benefits.
29 (2) If, after hearing, the court determines that emancipation is in
30 the best interests of the minor and that the minor understands his or her
31 rights and responsibilities under sections 1 to 10 of this act as an
1 emancipated minor, the court shall enter a judgment of emancipation. In
2 making its determination regarding the petition for emancipation, the
3 court shall determine whether the petitioner has proven each of the facts
4 set forth in subdivision (8) of section 3 of this act.
5 Sec. 8. (1) A judgment of emancipation removes the disability of
6 minority insofar as that disability may affect: (a) Establishment of his
7 or her own residence; (b) incurring indebtedness or contractual
8 obligations of any kind; (c) consenting to medical, dental, or
9 psychiatric care without the consent, knowledge, or liability of parents
10 or guardian; (d) enlisting in the military without a parent's or
11 guardian's consent; (e) marrying without a parent's or guardian's
12 consent; (f) being individually eligible for public assistance; (g) the
13 litigation and settlement of controversies; (h) enrolling in any school
14 or college; and (i) acquiring, encumbering, and conveying property or any
15 interest therein. For the purposes described in this subsection, the
16 minor shall be considered in law as an adult and any obligation or
17 benefit he or she incurs is enforceable by and against such minor without
18 regard to his or her minority.
19 (2) A minor emancipated by court order shall be considered to have
20 the rights and responsibilities of an adult, except for those specific
21 constitutional and statutory age requirements regarding voting, use of
22 alcoholic beverages, gambling, use of tobacco, and other health and
23 safety regulations relevant to the minor because of his or her age.
24 (3) The emancipated minor shall be provided a certified copy of the
25 judgment of emancipation at the time the judgment is entered. Upon
26 presentation of the judgment of emancipation, a third party shall be
27 allowed to retain a copy of the same as proof of the minor's ability to
28 act as stated in this section.
29 (4) Unless otherwise provided by the judgment of emancipation, the
30 obligation of support established for the benefit of the minor by his or
31 her parent or legal guardian is terminated by the entry of the judgment.
1 This includes child support owed by one parent to another parent. When a
2 judgment of emancipation terminates child support, the judgment of

3 emancipation shall explicitly terminate child support obligations and be
4 reported by the district court clerk to the jurisdiction in which such
5 support is ordered.

6 Sec. 9. An emancipated minor shall not be considered an adult for
7 prosecution of a criminal offense.

8 Sec. 10. (1) A motion for rescission may be filed by any interested
9 person or public agency in order to rescind a judgment of emancipation on
10 the following grounds:

11 (a) The minor has become indigent and has insufficient means of
12 support; or

13 (b) The judgment of emancipation was obtained by fraud,
14 misrepresentation, or the withholding of material information.

15 (2) The motion for rescission shall be filed in the district court
16 in which the petition for emancipation was filed. The motion for
17 rescission of a judgment of emancipation shall be granted if it is
18 proven:

19 (a) That rescinding the judgment of emancipation is in the best
20 interests of the emancipated minor; and

21 (b)(i) That the minor has become indigent and has insufficient means
22 of support; or

23 (ii) That the judgment of emancipation was obtained by fraud,
24 misrepresentation, or the withholding of material information.

25 (3) Upon filing the motion, a notice of filing, together with a copy
26 of the motion to rescind the emancipation and a notice to appear at the
27 hearing, shall be served:

28 (a) Upon the emancipated minor; and

29 (b)(i)(A) Upon the persons who were the minor's parents or legal
30 guardian prior to the minor's emancipation or, if the parents or legal
31 guardian cannot be found, the nearest known relative of the minor
1 residing within the state, if any; and

2 (B) Upon the legal custodian of the minor prior to emancipation, if
3 any; or

4 (ii) By publication pursuant to section 25-519, if service pursuant
5 to subdivision (b)(i) of this subsection is not possible.

6 (4)(a) The court shall hold a hearing on a motion filed under this
7 section no sooner than forty-five days but within sixty days after the
8 date of its filing. The movant shall notify by certified mail the
9 emancipated minor and any party provided notice under subdivision (3)(b)
10 of this section of the time, date, and place of the hearing by certified
11 mail at least thirty days before the hearing date. For good cause shown,
12 the court may continue the initial hearing.

13 (b) The emancipated minor may file a written response objecting to
14 the motion to rescind emancipation within thirty days after service of
15 the notice of the hearing.

16 (5) If, after hearing, the court determines by clear and convincing
17 evidence that rescinding the judgment of emancipation is in the best
18 interests of the minor because the minor has become indigent and has
19 insufficient means of support, or because the judgment of emancipation
20 was obtained by fraud, misrepresentation, or the withholding of material

21 information, the court shall rescind the judgment of emancipation.
 22 (6) The parents or legal guardian or legal custodian of a minor
 23 emancipated by court order are not liable for any debts incurred by the
 24 minor child during the period of emancipation.
 25 (7) Rescinding a judgment of emancipation does not affect an
 26 obligation, responsibility, right, or interest that arose during the
 27 period of time that the judgment of emancipation was in effect.

LEGISLATIVE BILL 955. Indefinitely postponed.

(Signed) Laura Ebke, Chairperson

GENERAL FILE

LEGISLATIVE BILL 710. Senator Chambers offered the following motion:

MO200

Indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 36:

Albrecht	Clements	Kolterman	Morfeld	Vargas
Baker	Erdman	Krist	Pansing Brooks	Walz
Blood	Friesen	Kuehn	Quick	Watermeier
Bolz	Geist	Lindstrom	Riepe	Williams
Bostelman	Harr	Linehan	Scheer	
Brasch	Hilgers	Lowe	Schumacher	
Brewer	Hilkemann	McCollister	Smith	
Briese	Hughes	McDonnell	Thibodeau	

Present and not voting, 3:

Chambers Hansen Kolowski

Excused and not voting, 10:

Crawford	Groene	Howard	Murante	Wayne
Ebke	Halloran	Larson	Stinner	Wishart

The Chambers motion to indefinitely postpone failed with 0 ayes, 36 nays, 3 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO202

Reconsider the vote taken to indefinitely postpone.

SPEAKER SCHEER PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 321. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 743. Placed on Select File with amendment.

ER107

- 1 1. On page 1, lines 6 and 7, strike "remove" and insert "eliminate".
- 2 2. On page 6, line 24; page 8, line 22; and page 12, line 8, strike
- 3 "act" and insert "Public Adjusters Licensing Act".
- 4 3. On page 12, line 13, strike "this" and insert "the".
- 5 4. On page 13, line 15, strike "Chapter 44, article 39," and insert
- 6 "sections 44-3901 to 44-3908".
- 7 5. On page 14, line 2, after "fee" insert an underscored comma.

LEGISLATIVE BILL 757. Placed on Select File with amendment.

ER106

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 8-2602, Revised Statutes Cumulative Supplement,
- 4 2016, is amended to read:
- 5 8-2602 For purposes of the Credit Report Protection Act:
- 6 (1) Consumer reporting agency means any person which, for monetary
- 7 fees, for dues, or on a cooperative nonprofit basis, regularly engages in
- 8 whole or in part in the practice of assembling or evaluating consumer
- 9 credit information or other information on consumers for the purpose of
- 10 furnishing consumer reports to third parties and which uses any means or
- 11 facility of interstate commerce for the purpose of preparing or
- 12 furnishing consumer reports;
- 13 (2) Credit report has the same meaning as consumer report as defined
- 14 in 15 U.S.C. 1681a(d);
- 15 (3) File, when used in connection with information on any consumer
- 16 or protected consumer, means all of the information on that consumer or
- 17 protected consumer recorded and retained by a consumer reporting agency

18 regardless of how the information is stored. File does not include a
19 record;

20 (4) Protected consumer means an individual who is (a) under sixteen
21 years of age at the time a request for the placement of a security freeze
22 is made or (b) an incapacitated person for whom a guardian or guardian ad
23 litem has been appointed;

24 (5) Record means a compilation of information that (a) identifies a
25 protected consumer, (b) is created by a consumer reporting agency solely
26 for the purpose of complying with section 8-2603.01, and (c) may not be
27 created or used to consider the protected consumer's credit worthiness,
1 credit standing, credit capacity, character, general reputation, personal
2 characteristics, or mode of living;

3 (6) Representative means a person who provides to a consumer
4 reporting agency sufficient proof of authority to act on behalf of a
5 protected consumer;

6 (7) Security freeze means:

7 (a) A notice placed in a consumer's file as provided in section
8 8-2603 that prohibits the consumer reporting agency from releasing a
9 credit report, or any other information derived from the file, in
10 connection with the extension of credit or the opening of a new account,
11 without the express authorization of the consumer;

12 (b) If a consumer reporting agency does not have a file pertaining
13 to a protected consumer, a restriction that:

14 (i) Is placed on the protected consumer's record in accordance with
15 section 8-2603.01; and

16 (ii) Prohibits the consumer reporting agency from releasing the
17 protected consumer's record except as provided in the Credit Report
18 Protection Act; or

19 (c) If a consumer reporting agency has a file pertaining to the
20 protected consumer, a restriction that:

21 (i) Is placed on the protected consumer's credit report in
22 accordance with section 8-2603.01; and

23 (ii) Prohibits the consumer reporting agency from releasing the
24 protected consumer's credit report or any information derived from the
25 protected consumer's credit report except as provided in section
26 8-2608.01;

27 (8) Substantially similar type of security product means any product
28 that provides the same level of protection to a consumer's or protected
29 consumer's credit report as that provided under the Credit Report
30 Protection Act regardless of the contact method used by a consumer or
31 protected consumer to request, temporarily lift, or remove a restriction
1 placed on the consumer's or protected consumer's credit report;

2 ~~(9)~~ (8) Sufficient proof of authority means documentation that shows
3 a representative has authority to act on behalf of a protected consumer.
4 Sufficient proof of authority includes, but is not limited to, an order
5 issued by a court of law, a lawfully executed and valid power of
6 attorney, or a written notarized statement signed by a representative
7 that expressly describes the authority of the representative to act on
8 behalf of a protected consumer. A representative who is a parent may

9 establish sufficient proof of authority by providing a certified or
10 official copy of the protected consumer's birth certificate;
11 ~~(10) (9)~~ Sufficient proof of identification means information or
12 documentation that identifies a consumer, a protected consumer, or a
13 representative of a protected consumer. Sufficient proof of
14 identification includes, but is not limited to, a social security number
15 or a copy of a social security card, a certified or official copy of a
16 birth certificate, a copy of a valid driver's license, or any other
17 government-issued identification; and
18 ~~(11) (10)~~ Victim of identity theft means a consumer or protected
19 consumer who has a copy of an official police report evidencing that the
20 consumer or protected consumer has alleged to be a victim of identity
21 theft.

22 Sec. 2. Section 8-2603.01, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 8-2603.01 (1) A consumer reporting agency shall place a security
25 freeze for a protected consumer if:

26 (a) The consumer reporting agency receives a request from the
27 representative for the placement of the security freeze under this
28 section; and

29 (b) The representative:

30 (i) Submits the request to the consumer reporting agency at the
31 address or other point of contact and in the manner specified by the
1 consumer reporting agency; and

2 (ii) Provides to the consumer reporting agency:

3 (A) Sufficient proof of identification of the protected consumer and
4 the representative; and

5 (B) Sufficient proof of authority to act on behalf of the protected
6 consumer; ~~and~~

7 ~~(iii) Pays to the consumer reporting agency a fee as provided in
8 section 8-2609.01.~~

9 (2) If a consumer reporting agency does not have a file pertaining
10 to a protected consumer when the consumer reporting agency receives a
11 request described in subdivision (1)(a) of this section, the consumer
12 reporting agency shall create a record for the protected consumer.

13 (3) Within thirty days after receiving a request that meets the
14 requirements of this section, a consumer reporting agency shall place a
15 security freeze for the protected consumer.

16 Sec. 3. Section 8-2608.02, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:

18 8-2608.02 If a protected consumer or the representative wishes to
19 remove a security freeze placed under section 8-2603.01 for the protected
20 consumer, the protected consumer or the representative shall:

21 (1) Submit a request for the removal of the security freeze to the
22 consumer reporting agency at the address or other point of contact and in
23 the manner specified by the consumer reporting agency; and

24 (2) Provide to the consumer reporting agency:

25 ~~(a) (i)~~ In the case of a request by the protected consumer:

26 ~~(i) (A)~~ Proof that the sufficient proof of authority for the

27 representative to act on behalf of the protected consumer is no longer
28 valid; and

29 ~~(ii) (B)~~ Sufficient proof of identification of the protected
30 consumer; or

31 ~~(b) (ii)~~ In the case of a request by the representative:

1 ~~(i) (A)~~ Sufficient proof of identification of the protected consumer
2 and the representative; and

3 ~~(ii) (B)~~ Sufficient proof of authority to act on behalf of the
4 protected consumer; ~~and~~

5 ~~(b) Payment of a fee as provided in section 8-2609.01.~~

6 Within thirty days after receiving a request that meets the
7 requirements of this section, the consumer reporting agency shall remove
8 the security freeze for the protected consumer.

9 Sec. 4. Section 8-2609, Revised Statutes Cumulative Supplement,
10 2016, is amended to read:

11 8-2609 (1) A consumer reporting agency shall not may charge any a
12 fee of three dollars for placing, temporarily lifting, or removing a
13 security freeze placed under section 8-2603 or for placing, temporarily
14 lifting, or removing any other substantially similar type of security
15 product. This subsection does not apply if the substantially similar type
16 of security product, alone or in combination with another product,
17 provides greater protection to the consumer than a security freeze.
18 unless:

19 ~~(a) The consumer is a victim of identity theft; and~~

20 ~~(b) The consumer provides the consumer reporting agency with a copy~~
21 ~~of an official police report documenting the identity theft.~~

22 (2) A consumer reporting agency shall reissue the same or a new
23 personal identification number or password required under section 8-2605
24 one time without charge and may charge a fee of no more than five dollars
25 for subsequent reissuance of the personal identification number or
26 password.

27 Sec. 5. Section 8-2609.01, Revised Statutes Cumulative Supplement,
28 2016, is amended to read:

29 8-2609.01 ~~(1)~~ A consumer reporting agency shall not may charge any
30 a fee of three dollars for each placement or removal of a security freeze
31 or for placement or removal of any other substantially similar type of
1 security product for a protected consumer. This section does not apply if
2 the substantially similar type of security product, alone or in
3 combination with another product, provides greater protection to the
4 protected consumer than a security freeze.

5 ~~(2)~~ A consumer reporting agency shall not charge any fee under this
6 section if:

7 ~~(a)(i) The protected consumer is a victim of identity theft; and~~

8 ~~(ii) The protected consumer's representative provides the consumer~~
9 ~~reporting agency with a copy of an official police report documenting the~~
10 ~~identity theft; or~~

11 ~~(b)(i) A request for the placement or removal of a security freeze~~
12 ~~is for a protected consumer who is under the age of sixteen years at the~~
13 ~~time of the request; and~~

14 ~~(ii) The consumer reporting agency has a credit report pertaining to~~
15 ~~the protected consumer.~~

16 Sec. 6. Section 87-801, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 87-801 Sections 87-801 to 87-807 and section 7 of this act shall be
19 known and may be cited as the Financial Data Protection and Consumer
20 Notification of Data Security Breach Act of 2006.

21 Sec. 7. (1) To protect personal information from unauthorized
22 access, acquisition, destruction, use, modification, or disclosure, an
23 individual or a commercial entity that conducts business in Nebraska and
24 owns, licenses, or maintains data that includes personal information
25 about a resident of Nebraska shall implement and maintain reasonable
26 security procedures and practices that are appropriate to the nature and
27 sensitivity of the personal information owned, licensed, or maintained
28 and the nature and size of the business and its operations, including
29 safeguards that protect the personal information when the individual or
30 commercial entity disposes of the personal information.

31 (2) An individual or commercial entity that discloses personal
1 information about a Nebraska resident to a nonaffiliated, third-party
2 service provider shall require by contract that the service provider
3 implement and maintain reasonable security procedures and practices that:

4 (a) Are appropriate to the nature of the personal information
5 disclosed to the service provider; and

6 (b) Are reasonably designed to help protect the personal information
7 from unauthorized access, acquisition, destruction, use, modification, or
8 disclosure.

9 (3) An individual or a commercial entity complies with subsections
10 (1) and (2) of this section if the individual or commercial entity:

11 (a) Complies with a state or federal law that provides greater
12 protection to personal information than the protections that this section
13 provides; or

14 (b) Complies with the regulations promulgated under Title V of the
15 Gramm-Leach-Bliley Act, 15 U.S.C. 6801 et seq., or the Health Insurance
16 Portability and Accountability Act of 1996, 42 U.S.C. 1320d to 1320d-9,
17 as such acts and sections existed on January 1, 2018, if the individual
18 or commercial entity is subject to either or both of such acts or
19 sections.

20 Sec. 8. Section 87-806, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 87-806 (1) For purposes of the Financial Data Protection and
23 Consumer Notification of Data Security Breach Act of 2006, the Attorney
24 General may issue subpoenas and seek and recover direct economic damages
25 for each affected Nebraska resident injured by a violation of section
26 87-803 ~~the act.~~

27 (2) A violation of section 7 of this act shall be considered a
28 violation of section 59-1602 and be subject to the Consumer Protection
29 Act and any other law which provides for the implementation and
30 enforcement of section 59-1602.

31 Sec. 9. Original sections 87-801 and 87-806, Reissue Revised

1 Statutes of Nebraska, and sections 8-2602, 8-2603.01, 8-2608.02, 8-2609, 2 and 8-2609.01, Revised Statutes Cumulative Supplement, 2016, are
3 repealed.
4 2. On page 1, line 3, after "sections" insert "8-2602,".

LEGISLATIVE BILL 744. Placed on Select File.

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Walz filed the following amendment to LB710:

AM1763

1 1. On page 3, line 5, strike "from", show as stricken, and insert
2 "beginning thirty days after".

Senator Kolterman filed the following amendment to LB548:

AM1758 is available in the Bill Room.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 312. Introduced by Brasch, 16; Albrecht, 17; Baker, 30; Blood, 3; Bolz, 29; Bostelman, 23; Brewer, 43; Briese, 41; Chambers, 11; Clements, 2; Crawford, 45; Ebke, 32; Erdman, 47; Friesen, 34; Geist, 25; Groene, 42; Hansen, 26; Harr, 8; Hilgers, 21; Hilkemann, 4; Hughes, 44; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Riepe, 12; Scheer, 19; Schumacher, 22; Smith, 14; Stinner, 48; Thibodeau, 6; Vargas, 7; Walz, 15; Watermeier, 1; Williams, 36.

WHEREAS, James Meiergerd has garnered national attention for a backward half-court basket made during halftime at the West Point-Beemer v. Wisner-Pilger high school boys' basketball game on January 5, 2018; and

WHEREAS, James is a senior at West Point-Beemer High School who suits up for the junior varsity basketball team and goes to all of the varsity games to root for his friends. Fellow senior Greg Johnson said of James, "He's really the heart and soul of this basketball team"; and

WHEREAS, two friends, including Manny Barragan, went to the floor with James encouraging him to try the trick shot he had been practicing. After making the basket with the crowd cheering him on, James hugged his friends and ran to the student section where he was embraced by classmates; and

WHEREAS, Orlando Melendez of the Harlem Globetrotters went to West Point-Beemer to personally invite James to be an honorary member of the Globetrotters when they play in Omaha on April 6, 2018; and

WHEREAS, West Point-Beemer held a pep rally with Orlando Melendez and more than eight hundred students from grade school through high

school. At the pep rally, James made the shot again with Orlando Melendez watching, Manny Barragan by his side, and the students cheering.

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

1. That the Legislature congratulates James Meiergerd for his incredible backward half-court shot and for being named an honorary member of the Harlem Globetrotters.

2. That a copy of this resolution be sent to James Meiergerd and Orlando Melendez.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Stinner name added to LB299.

Senator Wayne name added to LB548.

Senator Stinner name added to LB1001.

VISITORS

Visitors to the Chamber were Jessi Ferguson, DECA State President from Omaha Central High School, DJ Hardwick, FBLA State President from Dundy County-Stratton High School, Mia Kegley, FCCLA State President from Kearney High School, Jake Judge, FFA State President from West Holt High School, Ryan Campbell, SkillsUSA State President from Louisville High School, Carmel Notario, Educator's Rising Secretary from Omaha Bryan High School, Enya Zhu, HOSA State President from Lincoln East High School, and additional members from the Nebraska Career and Technical Student Organizations; and John Ross from Bancroft.

The Doctor of the Day was Dr. Gerry Luckey from David City.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Brasch, the Legislature adjourned until 9:00 a.m., Tuesday, February 6, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SECOND DAY - FEBRUARY 6, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****TWENTY-SECOND DAY**

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

PRAYER

The prayer was offered by Pastor Franklin Krause, Ebenezer Congregational Church, Lincoln.

ROLL CALL

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

The roll was called and all members were present except Senator Vargas who was excused; and Senators Groene, Hansen, Howard, Kolowski, Lindstrom, Smith, Thibodeau, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

MESSAGE(S) FROM THE GOVERNOR

February 6, 2018

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Educational Telecommunications Commission:

Frederik Ohles, Ph.D., Nebraska Wesleyan University, 5000 St. Paul Avenue,
Lincoln, NE 68504
Lisa May, 1008 13 Avenue, Kearney, NE 68845

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are

included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

February 6, 2018

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Commission for the Deaf and Hard of Hearing:

Stacie L. Ray, Au.D., CCC-A, 3740 S. 81 Street, Lincoln, NE 68506
Jeremy Fitzpatrick, 3605 S. 95 Street, Omaha, NE 68124
Norman B. Weverka, 2420 31 Road, Brainard, NE 68626
Diane Schutt, 700 11th Street, Fairbury, NE 68352

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

February 6, 2018

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Commission of Industrial Relations:

Patricia L. Vannoy, 1223 N. 9th Street, #109, Lincoln, NE 68508

Contingent upon your approval, the following individual is being reappointed to the Commission of Industrial Relations:

Joel Carlson, 507 Logan Street, Norfolk, NE 68701

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

February 6, 2018

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Foster Care Advisory Committee:

Michele R. Marsh, M.D. 414 N. 61 Street, Omaha, NE 68132

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

February 6, 2018

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Emergency Response Commission:

Matthew J. DiVito, 7319 Sherman Street, Lincoln, NE 68508

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

February 6, 2018

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Accountability and Disclosure Commission:

Marty Callahan, P.O. Box 117, Greeley, NE 68842

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

February 6, 2018

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Accountability and Disclosure Commission:

Marty Callahan, P.O. Box 117, Greeley, NE 68842

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

David J. Rippe, Director - Department of Economic Development

Aye: 8 Baker, Brewer, Harr, Kolterman, Lindstrom, McCollister, Schumacher, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Brett Lindstrom, Chairperson

AMENDMENT(S) - Print in Journal

Senator Watermeier filed the following amendment to LB744:
AM1801

- 1 1. On page 6, line 3, after "Legislature" insert "under the
- 2 Legislative Qualifications and Election Contests Act" and after
- 3 "contests" insert "under sections 32-1101 to 32-1117".
- 4 2. On page 8, line 17, before "member" insert "respondent".

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

Room 1507

Wednesday, February 14, 2018 1:30 p.m.

LB929
LB1015
LB959
LB1065
LB1068

(Signed) John Murante, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 302, 303, 304, and 305 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 302, 303, 304, and 305.

ANNOUNCEMENT

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 6, 2018, summarizing the recommended appropriations for the following biennium.

GENERAL FILE

LEGISLATIVE BILL 936. Title read. Considered.

Pending.

COMMITTEE REPORT(S)

General Affairs

LEGISLATIVE BILL 724. Placed on General File with amendment.

AM1707

1 1. On page 2, lines 17 and 19, strike "lottery"; in line 18 strike
 2 beginning with "After" through "day" and insert "Subject to the adoption
 3 and promulgation of rules and regulations by the department setting forth
 4 recordkeeping and reporting criteria for lottery operators, counties,
 5 cities, and villages that request authorization from the department for
 6 the use of electronic transfers from satellite locations"; in line 25
 7 before "general" insert "nonsegregated"; in line 27 strike beginning with
 8 "within" through "not" and insert "no"; in line 29 strike the second
 9 "the" and insert "a"; in line 30 strike "village" and insert "village
 10 that has met the requirements of the rules and regulations adopted and
 11 promulgated pursuant to subsection (2) of this section"; and in line 31
 12 strike "non-segregated" and insert "nonsegregated general business".
 13 2. On page 3, line 5, strike beginning with "within" through "not"
 14 and insert "no".

(Signed) Tyson Larson, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 313. Introduced by Lowe, 37.

WHEREAS, Allen H. "Al" Zikmund was born on March 26, 1922, on a homestead farm near Ord to Henry and Ethel Zikmund; and

WHEREAS, in 1939, Al graduated from Ord High School, where he was a vocal and instrumental musician, a member of the undefeated football team, a member of the track team, and a broad jump state champion; and

WHEREAS, while playing halfback for the University of Nebraska Cornhusker football team in the 1941 Rose Bowl, Al became the youngest player in Rose Bowl history to catch a touchdown pass. Al also participated on the track team, was a member of the Innocents Society and Sigma Alpha Epsilon fraternity, and earned an education degree at the university; and

WHEREAS, Al served as a U.S. naval lieutenant, commanding regiments of officer candidates before returning to the University of Nebraska to earn a master's degree; and

WHEREAS, Al married Verlene Witham in 1943 and raised three children, Sue, Jim, and Sally; and

WHEREAS, after teaching and coaching at Alliance and Grand Island high schools, Al and Verlene moved their family to Kearney, where he served as the Kearney State College football coach, assistant track coach, athletic director, and associate professor of physical education; and

WHEREAS, during his seventeen years coaching the Kearney State football team, Coach Zikmund turned the team into a National Association of Intercollegiate Athletics (NAIA) powerhouse, winning seventy-nine percent of their games and going undefeated in 1956, 1958, and 1967; and

WHEREAS, Al is a member of the University of Nebraska at Kearney Hall of Fame, the NAIA Hall of Fame, the Nebraska Football Hall of Fame, and the Nebraska High School Sports Hall of Fame and has been nominated to the National Football Foundation College Hall of Fame for his service as an innovative coach and athletic director; and

WHEREAS, Allen Zikmund passed away on Monday, January 29, 2018, at the age of ninety-five.

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

1. That the Legislature offers its condolences to the family and friends of Allen Zikmund.
2. That a copy of this resolution be sent to the family of Allen Zikmund.

Laid over.

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Tuesday, February 13, 2018 1:30 p.m.

LB999
LB1110
LB1116
LB1052

(Signed) Mike Groene, Chairperson

Nebraska Retirement Systems

Room 1525

Wednesday, February 14, 2018 12:00 p.m.

AM1529 to LB548
AM1758 to LB548

(Signed) Mark Kolterman, Chairperson

GENERAL FILE

LEGISLATIVE BILL 936. Considered.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

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

Voting in the affirmative, 43:

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

Voting in the negative, 2:

Bolz Hansen

Excused and not voting, 4:

Groene Kolterman Vargas Wayne

Advanced to Enrollment and Review Initial with 43 ayes, 2 nays, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 710. Senator Chambers renewed his motion, MO202, found on page 524, to reconsider the vote taken to indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 10 ayes, 2 nays, and 37 not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 46:

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

Excused and not voting, 2:

Vargas Wayne

The Chambers motion to reconsider failed with 1 aye, 46 nays, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the committee amendment:

FA97
 Amend AM1683
 Strike lines 4-6.

Senator Chambers moved for a call of the house. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 40:

Albrecht	Clements	Hansen	Linehan	Scheer
Baker	Crawford	Hilgers	Lowe	Schumacher
Blood	Ebke	Hilkemann	McCollister	Sinner
Bolz	Erdman	Howard	McDonnell	Thibodeau
Bostelman	Friesen	Hughes	Morfeld	Walz
Brasch	Geist	Kolterman	Pansing Brooks	Watermeier
Brewer	Groene	Krist	Quick	Williams
Briese	Halloran	Kuehn	Riepe	Wishart

Present and not voting, 1:

Chambers

Absent and not voting, 1:

Kolowski

Excused and not voting, 7:

Harr	Lindstrom	Smith	Wayne
Larson	Murante	Vargas	

The Chambers amendment lost with 0 ayes, 40 nays, 1 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO204

Reconsider the vote taken on FA97.

Senator Chambers moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

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

Voting in the affirmative, 2:

Chambers	Hansen
----------	--------

Voting in the negative, 38:

Albrecht	Crawford	Howard	McDonnell	Stinner
Baker	Ebke	Hughes	Morfeld	Thibodeau
Bolz	Erdman	Kolowski	Pansing Brooks	Walz
Bostelman	Friesen	Kolterman	Quick	Watermeier
Brasch	Geist	Krist	Riepe	Williams
Brewer	Halloran	Linehan	Scheer	Wishart
Briese	Hilgers	Lowe	Schumacher	
Clements	Hilkemann	McCollister	Smith	

Excused and not voting, 9:

Blood	Harr	Larson	Murante	Wayne
Groene	Kuehn	Lindstrom	Vargas	

The Chambers motion to reconsider failed with 2 ayes, 38 nays, and 9 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO205

Recommit to the Judiciary Committee.

Senator Baker offered the following motion:

MO203

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Baker moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

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

Voting in the affirmative, 47:

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

Voting in the negative, 1:

Chambers

Excused and not voting, 1:

Vargas

The Baker motion to invoke cloture prevailed with 47 ayes, 1 nay, and 1 excused and not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 47:

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

Excused and not voting, 1:

Vargas

The Chambers motion to recommit to committee failed with 1 aye, 47 nays, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the committee amendment, AM1683.

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Vargas

The committee amendment was adopted with 48 ayes, 0 nays, and 1 excused and not voting.

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

Voting in the affirmative, 46:

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

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Hansen

Excused and not voting, 1:

Vargas

Advanced to Enrollment and Review Initial with 46 ayes, 1 nay, 1 present and not voting, and 1 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB752:
AM1804

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 70-1014.02, Revised Statutes Cumulative Supplement,
- 3 2016, is amended to read:
- 4 70-1014.02 (1)(a) A privately developed renewable energy generation
- 5 facility that meets the requirements of this section is exempt from
- 6 sections 70-1012 to 70-1014.01 if no less than thirty days prior to the
- 7 commencement of construction the owner of the facility:
- 8 (i) Notifies the board in writing of its intent to commence
- 9 construction of a privately developed renewable energy generation
- 10 facility;
- 11 (ii) Certifies to the board that the facility will meet the
- 12 requirements for a privately developed renewable energy generation
- 13 facility;
- 14 (iii) Certifies to the board that the private electric supplier will
- 15 (A) comply with any decommissioning requirements adopted by the local
- 16 governmental entities having jurisdiction over the privately developed
- 17 renewable energy generation facility and (B) except as otherwise provided
- 18 in subdivision (b) of this subsection, submit a decommissioning plan to
- 19 the board obligating the private electric supplier to bear all costs of

20 decommissioning the privately developed renewable energy generation
21 facility and requiring that the private electric supplier post a security
22 bond or other instrument, no later than the tenth year following
23 commercial operation, securing the costs of decommissioning the facility
24 and provide a copy of the bond or instrument to the board;
25 (iv) Certifies to the board that the private electric supplier has
26 entered into or prior to commencing construction will enter into a joint
27 transmission development agreement pursuant to subdivision (c) of this
1 subsection with the electric supplier owning the transmission facilities
2 of sixty thousand volts or greater to which the privately developed
3 renewable energy generation facility will interconnect; and
4 (v) Certifies to the board that the private electric supplier has
5 consulted with the Game and Parks Commission to identify potential
6 measures to avoid, minimize, and mitigate impacts to species identified
7 under subsection (1) or (2) of section 37-806 during the project planning
8 and design phases, if possible, but in no event later than the
9 commencement of construction.

10 (b) The board may bring an action in the name of the State of
11 Nebraska for failure to comply with subdivision (a)(iii)(B) of this
12 subsection. Subdivision (a)(iii)(B) of this subsection does not apply if
13 a local government entity with the authority to create requirements for
14 decommissioning has enacted decommissioning requirements for the
15 applicable jurisdiction.

16 (c) The joint transmission development agreement shall address
17 construction, ownership, operation, and maintenance of such additions or
18 upgrades to the transmission facilities as required for the privately
19 developed renewable energy generation facility. The joint transmission
20 development agreement shall be negotiated and executed contemporaneously
21 with the generator interconnection agreement or other directives of the
22 applicable regional transmission organization with jurisdiction over the
23 addition or upgrade of transmission, upon terms consistent with prudent
24 electric utility practices for the interconnection of renewable
25 generation facilities, the electric supplier's reasonable transmission
26 interconnection requirements, and applicable transmission design and
27 construction standards. The electric supplier shall have the right to
28 purchase and own transmission facilities as set forth in the joint
29 transmission development agreement. The private electric supplier of the
30 privately developed renewable energy generation facility shall have the
31 right to construct any necessary facilities or improvements set forth in
1 the joint transmission development agreement pursuant to the standards
2 set forth in the agreement at the private electric supplier's cost.

3 (2) Within ten days after receipt of a written notice complying with
4 subsection (1) of this section, the executive director of the board shall
5 issue a written acknowledgment that the privately developed renewable
6 energy generation facility is exempt from sections 70-1012 to 70-1014.01.

7 (3) The exemption allowed under this section for a privately
8 developed renewable energy generation facility shall extend to and exempt
9 all private electric suppliers owning any interest in the facility,
10 including any successor private electric supplier which subsequently

11 acquires any interest in the facility.

12 (4) No property owned, used, or operated as part of a privately
 13 developed renewable energy generation facility shall be subject to
 14 eminent domain by a consumer-owned electric supplier operating in the
 15 State of Nebraska. Nothing in this section shall be construed to grant
 16 the power of eminent domain to a private electric supplier or limit the
 17 rights of any entity to acquire any public, municipal, or utility right-
 18 of-way across property owned, used, or operated as part of a privately
 19 developed renewable energy generation facility as long as the right-of-
 20 way does not prevent the operation of or access to the privately
 21 developed renewable energy generation facility.

22 (5) Only a consumer-owned electric supplier operating in the State
 23 of Nebraska may exercise eminent domain authority to acquire the land
 24 rights necessary for the construction of transmission lines and related
 25 facilities. ~~The exercise of eminent domain to provide needed transmission~~
 26 ~~lines and related facilities for a privately developed renewable energy~~
 27 ~~generation facility is a public use.~~

28 (6) Nothing in this section shall be construed to authorize a
 29 private electric supplier to sell or deliver electricity at retail in
 30 Nebraska.

31 (7) Nothing in this section shall be construed to limit the
 1 authority of or require a consumer-owned electric supplier operating in
 2 the State of Nebraska to enter into a joint agreement with a private
 3 electric supplier to develop, construct, and jointly own a privately
 4 developed renewable energy generation facility.

5 2. Renumber the remaining section and correct the repealer
 6 accordingly.

Senator Briese filed the following amendment to LB256:
 AM1752

(Amendments to Standing Committee amendments, AM452)

- 1 1. On page 2, line 25, strike "persons, or entity" and insert "or
 2 persons".
- 3 2. On page 4, line 6, strike "becomes occupied" and insert "is no
 4 longer vacant"; and in line 30 strike "county assessor's" and insert
 5 "register of deeds".
- 6 3. On page 5, line 4, after "thereafter" insert "for so long as the
 7 property remains on the vacant property registration data base".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Callahan, Marty - Nebraska Accountability and Disclosure Commission -
 Government, Military and Veterans Affairs
 Carlson, Joel - Commission of Industrial Relations - Business and Labor
 DiVito, Matthew J. - State Emergency Response Commission -
 Government, Military and Veterans Affairs

Fitzpatrick, Jeremy - Commission for the Deaf and Hard of Hearing - Health and Human Services
Girmus, Johnie Jason - Boiler Safety Code Advisory Board - Business and Labor
Marsh, Michele R. - Foster Care Advisory Committee - Health and Human Services
May, Lisa - Nebraska Educational Telecommunications Commission - Education
Ohles, Frederik - Nebraska Educational Telecommunications Commission - Education
Ray, Stacie L. - Commission for the Deaf and Hard of Hearing - Health and Human Services
Schutt, Diane - Commission for the Deaf and Hard of Hearing - Health and Human Services
Sousek, Carl - Climate Assessment Response Committee - Agriculture
Vannoy, Patricia L. - Commission of Industrial Relations - Business and Labor
Weverka, Norman B. - Commission for the Deaf and Hard of Hearing - Health and Human Services

(Signed) Dan Watermeier, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARING(S)
Natural Resources

Room 1525

Wednesday, February 14, 2018 1:30 p.m.

Michelle Bucklin - Environmental Quality Council
LB1008
LR266

Thursday, February 15, 2018 1:30 p.m.

Scott L. Cassels - Game and Parks Commission
LB908

(Signed) Dan Hughes, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 314. Introduced by Ebke, 32.

WHEREAS, the Bruning-Davenport-Shickley football team won the 2017 Nebraska High School Eight Man-2 Championship; and

WHEREAS, the Bruning-Davenport-Shickley Eagles won the championship in front of 1,711 at Memorial Stadium over Blue Hill by a score of 58 to 23; and

WHEREAS, the Eagles had an impressive offensive performance scoring touchdowns on runs of 46, 6, 25, 64, 28, 52, 58, and 54 yards in the championship game. At halftime, the Eagles were averaging 53 yards per minute; and

WHEREAS, the state championship capped a tremendous season finishing with a perfect 13-0 record with the Eagles scoring 668 points while holding opponents to 202 points; 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 Bruning-Davenport-Shickley Eagles on winning the 2017 Nebraska High School Eight Man-2 Championship.

2. That a copy of this resolution be sent to the Bruning-Davenport-Shickley Eagles football team and coaches Mark Rotter and Chris Ardissono.

Laid over.

ANNOUNCEMENT(S)

Senator Williams designates LB496 as his priority bill.

Senator Kolowski designates LB838 as his priority bill.

COMMITTEE REPORT(S)

Transportation and Telecommunications

The Transportation and Telecommunications 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.

David Copple - Nebraska Highway Commission
Mary K. Gerdes - Nebraska Highway Commission
James W. Hawks - Nebraska Highway Commission
James Kindig - Nebraska Highway Commission
Greg Wolford - Nebraska Highway Commission

Aye: 8 Bostelman, Briese, Friesen, Geist, Hilgers, Hughes, Murante, Smith.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Curt Friesen, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Lindstrom name added to LB299.
 Senator McCollister name added to LB604.
 Senator Howard name added to LB695.
 Senator Lindstrom name added to LB1001.
 Senator Howard name added to LR312.
 Senator Halloran name added to LR312.
 Senator Wishart name added to LR312.

AMENDMENT(S) - Print in Journal

Senator Pansing Brooks filed the following amendment to LB158:
 AM1809

(Amendments to Standing Committee amendments, AM145)

- 1 1. Insert the following new amendments:
- 2 1. Insert the following new sections:
- 3 Section 1. The Juvenile Indigent Defense Fund is created. The fund
- 4 shall be administered by the Commission on Public Advocacy and shall only
- 5 be used to provide legal services to juveniles in juvenile court, to
- 6 provide resources to assist counties in fulfilling their obligation to
- 7 provide for effective assistance of legal counsel for indigent juveniles,
- 8 and to pay the costs of administering the Juvenile Indigent Defense Grant
- 9 Program. The commission shall distribute money in the fund periodically
- 10 in the form of grants to counties under such program as provided by the
- 11 commission's rules and regulations. Any money in the fund available for
- 12 investment shall be invested by the state investment officer pursuant to
- 13 the Nebraska Capital Expansion Act and the Nebraska State Funds
- 14 Investment Act. Interest earned shall be credited back to the fund.
- 15 Sec. 2. (1) There is created a separate and distinct budgetary
- 16 program within the Commission on Public Advocacy to be known as the
- 17 Juvenile Indigent Defense Grant Program. Funds from the Juvenile Indigent
- 18 Defense Fund shall be used to provide grants to counties to help offset
- 19 the cost of providing legal counsel for indigent juveniles and for the
- 20 administrative costs of the commission.
- 21 (2)(a) A county may apply for a grant under the program beginning
- 22 September 15, 2019.
- 23 (b) To be eligible for a grant under the program, a county shall
- 24 demonstrate to the commission that, after the operative date of this act,
- 25 the county's per capita juvenile court costs have increased, as compared
- 26 to such county's per capita juvenile court costs for the preceding three
- 1 fiscal years. The county shall provide the commission with data showing
- 2 that such increase in costs was due to the implementation of this
- 3 legislative bill and pinpointing the factors contributing to such
- 4 increase.
- 5 (c) Funds provided to counties under the program shall be used
- 6 exclusively to provide legal counsel for indigent juveniles.
- 7 (3) Any county receiving a grant under the program shall annually

8 submit information electronically to the commission as required by the
9 commission's rules and regulations. Such information shall include, but
10 not be limited to, the number of juveniles that received legal
11 representation as a result of this legislative bill.

12 (4) On or before October 1, 2020, and each October 1 thereafter, the
13 commission shall electronically submit a report to the Legislature
14 concerning the distribution and use of funds for grants provided under
15 the program. The report shall include, but not be limited to, the
16 information described in subsection (3) of this section.

17 (5) The commission shall adopt and promulgate rules and regulations
18 as necessary to implement this section and section 1 of this act.

19 Sec. 3. Section 29-2709, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 29-2709 When any costs in misdemeanor, traffic, felony preliminary,
22 or juvenile cases in county court, except for those costs provided for in
23 subsection (3) of section 24-703, two dollars of the fee provided in
24 section 33-107.01, the court automation fee provided in section
25 33-107.03, the juvenile indigent defense fee provided in section 4 of
26 this act, and the uniform data analysis fee provided in section 47-633,
27 are found by a county judge to be uncollectible for any reason, including
28 the dismissal of the case, such costs shall be deemed waived unless the
29 judge, in his or her discretion, enters an order assessing such portion
30 of the costs as by law would be paid over by the court to the State
31 Treasurer as follows:

1 (1) In all cases brought by or with the consent of the county
2 attorney, all such uncollectible costs shall be certified by the clerk of
3 the court to the county clerk who shall present the bills therefor to the
4 county board. The county board shall pay from the county general fund all
5 such bills found by the board to be lawful; and

6 (2) In all cases brought under city or village ordinance, all such
7 uncollectible costs shall be certified to the appropriate city or village
8 officer authorized to receive claims who shall present the bills therefor
9 to the governing body of the city or village in the same manner as other
10 claims. Such governing body shall pay from the general fund of the city
11 or village all such bills as are found to be lawful.

12 Sec. 4. In addition to all other court costs assessed according to
13 law, a juvenile indigent defense fee of one dollar shall be assessed as
14 costs for each case filed in each county court, separate juvenile court,
15 and district court, including appeals to such courts, and for each appeal
16 and original action filed in the Court of Appeals and the Supreme Court.
17 The fees shall be remitted to the State Treasurer on forms prescribed by
18 the State Treasurer within ten days after the end of each month. The
19 State Treasurer shall credit the fees to the Juvenile Indigent Defense
20 Fund.

21 Sec. 7. This act becomes operative on September 15, 2018.

22 4. Renumber the remaining sections and amend the repealer
23 accordingly.

24 5. Renumber the remaining amendments accordingly.

VISITORS

Visitors to the Chamber were Bailey Mooney from Seward High School; and members of the Nebraska Physical Therapy Association and 120 physical therapy students from Creighton and UNMC.

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

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Krist, the Legislature adjourned until 9:00 a.m., Wednesday, February 7, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 7, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 7, 2018

PRAYER

The prayer was offered by Pastor Wayne Reynolds, Grace United Methodist Church, Crete.

ROLL CALL

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

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

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

NOTICE OF COMMITTEE HEARING(S)

Revenue

Room 1524

Wednesday, February 14, 2018 1:30 p.m.

LB911
LB1007
LB1077
LB1106
LR290CA

Thursday, February 15, 2018 1:30 p.m.

LB926
LB1117
LB1087
LB1030
LB966

(Signed) Jim Smith, Chairperson

Health and Human Services

Room 1510

Wednesday, February 14, 2018 1:30 p.m.

Robert L. Newman - Commission for the Blind and Visually Impaired

(Signed) Merv Riepe, Chairperson

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 885. Placed on General File with amendment.

AM1626

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

2 sections:

3 Section 1. Section 77-1502, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 77-1502 (1) The county board of equalization shall meet for the
6 purpose of reviewing and deciding written protests filed pursuant to this
7 section beginning on or after June 1 and ending on or before July 25 of
8 each year. Protests regarding real property shall be signed and filed
9 after the county assessor's completion of the real property assessment
10 roll required by section 77-1315 and on or before June 30. For protests
11 of real property, a protest shall be filed for each parcel. Protests
12 regarding taxable tangible personal property returns filed pursuant to
13 section 77-1229 from January 1 through May 1 shall be signed and filed on
14 or before June 30. The county board in a county with a population of more
15 than one hundred thousand inhabitants based upon the most recent federal
16 decennial census may adopt a resolution to extend the deadline for
17 hearing protests from July 25 to August 10. The resolution must be
18 adopted before July 25 and it will affect the time for hearing protests
19 for that year only. By adopting such resolution, such county waives any
20 right to petition the Tax Equalization and Review Commission for
21 adjustment of a class or subclass of real property under section
22 77-1504.01 for that year.

23 (2) Each protest shall be signed and filed with the county clerk of
24 the county where the property is assessed. The protest shall contain or
25 have attached a statement of the reason or reasons why the requested
26 change should be made and a description of the property to which the
27 protest applies. If the property is real property, a description adequate
1 to identify each parcel shall be provided. If the property is tangible
2 personal property, a physical description of the property under protest
3 shall be provided. If the protest does not contain or have attached the
4 statement of the reason or reasons for the protest or the applicable
5 description of the property, the protest shall be dismissed by the county

6 board of equalization. The protest shall also indicate whether the person
7 signing the protest is an owner of the property or a person authorized to
8 protest on behalf of the owner. If the person signing the protest is a
9 person authorized to protest on behalf of the owner, such person shall
10 provide the authorization with the protest. If the person signing the
11 protest is not an owner of the property or a person authorized to protest
12 on behalf of the owner, the county clerk shall mail a copy of the protest
13 to the owner of the property at the address to which the property tax
14 statements are mailed.

15 (3) Beginning January 1, 2014, in counties with a population of at
16 least one hundred fifty thousand inhabitants according to the most recent
17 federal decennial census, for a protest regarding real property, each
18 protester shall be afforded the opportunity to meet in person with the
19 county board of equalization or a referee appointed under section
20 77-1502.01 to provide information relevant to the protested property
21 value.

22 (4) No hearing of the county board of equalization on a protest
23 filed under this section shall be held before a single commissioner or
24 supervisor.

25 (5) The county clerk or county assessor shall prepare a separate
26 report on each protest. The report shall include (a) a description
27 adequate to identify the real property or a physical description of the
28 tangible personal property to which the protest applies, (b) any
29 recommendation of the county assessor for action on the protest, (c) if a
30 referee is used, the recommendation of the referee, (d) the date the
31 county board of equalization heard the protest, (e) the decision made by
1 the county board of equalization, (f) the date of the decision, and (g)
2 the date notice of the decision was mailed to the protester. The report
3 shall contain, or have attached to it, a statement, signed by the
4 chairperson of the county board of equalization, describing the basis
5 upon which the board's decision was made. The report shall have attached
6 to it a copy of that portion of the property record file which
7 substantiates calculation of the protested value unless the county
8 assessor certifies to the county board of equalization that a copy is
9 maintained in either electronic or paper form in his or her office. One
10 copy of the report, if prepared by the county clerk, shall be given to
11 the county assessor on or before August 2. The county assessor shall have
12 no authority to make a change in the assessment rolls until there is in
13 his or her possession a report which has been completed in the manner
14 specified in this section. If the county assessor deems a report
15 submitted by the county clerk incomplete, the county assessor shall
16 return the same to the county clerk for proper preparation.

17 (6) On or before August 2, or on or before August 18 in a county
18 that has adopted a resolution to extend the deadline for hearing
19 protests, the county clerk shall mail to the protester written notice of
20 the board's decision. The notice shall contain a statement advising the
21 protester that a report of the board's decision is available at the
22 county clerk's or county assessor's office, whichever is appropriate. If
23 the protester is not an owner of the property involved in the protest or

24 a person authorized to protest on behalf of the owner, the county clerk
 25 shall also mail written notice of the board's decision to the owner of
 26 such property at the address to which the property tax statements are
 27 mailed.

28 Sec. 2. This act becomes operative on January 1, 2019.

29 Sec. 3. Original section 77-1502, Revised Statutes Cumulative

30 Supplement, 2016, is repealed.

(Signed) Jim Smith, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 949. Placed on General File with amendment.

AM1595

1 1. On page 27, lines 14 and 17, strike the new matter; and after

2 line 19 insert the following new subsection:

3 "(3) It is the intent of the Legislature that the changes made by
 4 this legislative bill in the name of the Nebraska Educational, Health,
 5 and Social Services Finance Authority Act to the Nebraska Educational,
 6 Health, Cultural, and Social Services Finance Authority Act and in the
 7 name of the Nebraska Educational, Health, and Social Services Finance
 8 Authority to the Nebraska Educational, Health, Cultural, and Social
 9 Services Finance Authority shall not affect or alter any rights,
 10 privileges, or obligations existing immediately prior to the effective
 11 date of this act."

LEGISLATIVE BILL 1012. Placed on General File with amendment.

AM1691

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

2 sections:

3 Section 1. Section 44-3903, Revised Statutes Cumulative Supplement,
 4 2016, is amended to read:

5 44-3903 Sections 44-3901 to 44-3908 shall not apply to the following
 6 persons:

7 (1) Licensees for whom an examination is not required under the laws
 8 of this state;

9 (2) Licensees who sell or consult only in the areas of credit life
 10 insurance and credit accident and health insurance;

11 (3) Licensees who sell or consult only in the area of travel
 12 insurance; ~~and~~

13 (4) Licensees who sell or consult only in the area of self-service
 14 storage facility insurance pursuant to section 5 of this act; and

15 (5) (4) Licensees holding such limited or restricted licenses as the
 16 director may exempt.

17 Sec. 2. Section 44-3910, Revised Statutes Cumulative Supplement,
 18 2016, is amended to read:

19 44-3910 The preclicensing education requirements of section 44-3909
 20 shall not apply to an individual who, at the time of application for an

21 insurance producer license:

22 (1) Is applying for qualification for the life insurance line of
23 authority and has the certified employee benefit specialist designation,
24 the chartered financial consultant designation, the certified insurance
25 counselor designation, the certified financial planner designation, the
26 chartered life underwriter designation, the fellow life management
27 institute designation, or the Life Underwriter Training Council fellow
1 designation;

2 (2) Is applying for qualification for the accident and health or
3 sickness insurance line of authority and has the registered health
4 underwriter designation, the certified employee benefit specialist
5 designation, the registered employee benefit consultant designation, or
6 the health insurance associate designation;

7 (3) Is applying for qualification for the property insurance,
8 casualty insurance, or personal lines property and casualty insurance
9 line of authority and has the accredited advisor in insurance
10 designation, the associate in risk management designation, the certified
11 insurance counselor designation, or the chartered property and casualty
12 underwriter designation;

13 (4) Is applying for a limited lines travel insurance producer
14 license pursuant to section 44-4068;

15 (5) Is applying for a limited license for self-service storage
16 facility insurance pursuant to section 5 of this act;

17 ~~(6) (5)~~ Has a college degree with a concentration in insurance from
18 an accredited educational institution;

19 ~~(7) (6)~~ Is an individual described in section 44-4056 or 44-4058; or
20 ~~(8) (7)~~ Is a person who the director may exempt pursuant to a rule
21 or regulation adopted and promulgated pursuant to the Administrative
22 Procedure Act.

23 Sec. 3. Section 44-4047, Revised Statutes Cumulative Supplement,
24 2016, is amended to read:
25 44-4047 Sections 44-4047 to 44-4068 and section 5 of this act shall
26 be known and may be cited as the Insurance Producers Licensing Act.

27 Sec. 4. Section 44-4052, Revised Statutes Cumulative Supplement,
28 2016, is amended to read:
29 44-4052 (1) A resident individual applying for an insurance producer
30 license shall pass a written examination unless exempt pursuant to
31 section 44-4056 or 44-4068 or section 5 of this act. The examination
1 shall test the knowledge of the individual concerning the lines of
2 authority for which application is made, the duties and responsibilities
3 of an insurance producer, and the insurance laws, rules, and regulations
4 of this state. Examinations required by this section shall be developed
5 and conducted under rules and regulations adopted and promulgated by the
6 director.

7 (2) The director may make arrangements, including contracting with
8 an outside testing service, for administering examinations and collecting
9 the nonrefundable fee set forth in section 44-4064.

10 (3) Each individual applying for an examination shall remit a
11 nonrefundable fee as prescribed by the director as set forth in section
12 44-4064.

13 (4) An individual who fails to appear for the examination as
14 scheduled or fails to pass the examination shall reapply for an
15 examination and remit all required fees and forms before being
16 rescheduled for another examination.

17 Sec. 5. (1) The director may issue to the operator of a self-
18 service storage facility that has complied with this section a limited
19 license to act as an insurance producer with reference to the kinds of
20 insurance specified in this section for any insurer authorized to write
21 such kinds of insurance in this state.

22 (2) An applicant for a limited license shall file with the director:
23 (a) A written application for a limited license, signed by an
24 officer of the applicant, containing such information as the director
25 prescribes;
26 (b) A list of all self-service storage facilities at which the
27 applicant conducts business in this state;
28 (c) On request of the director, a list of all employees of the
29 applicant who may act on behalf and under the supervision of the
30 applicant pursuant to this section;
31 (d) A training program which meets the requirements of subsection
1 (9) of this section; and
2 (e) A certificate executed by the insurer, stating that the insurer
3 will appoint such applicant to act as the insurance producer in reference
4 to the doing of such kind or kinds of insurance specified in this section
5 if the limited license applied for is issued by the director. Such
6 certificate shall be signed by an officer or managing agent of such
7 insurer.

8 (3) Before a limited license is issued, the applicant shall pay or
9 cause to be paid to the director an application fee established by the
10 director, not to exceed one hundred dollars. Before a limited license is
11 renewed, the limited licensee shall pay or cause to be paid to the
12 director a renewal fee established by the director, not to exceed one
13 hundred dollars per year. The renewal fee shall be due on the anniversary
14 date of the issuance of the limited license.

15 (4) A limited licensee shall provide to the director an updated list
16 of all self-service storage facilities and of all employees of the
17 limited licensee who may act on behalf and under the supervision of the
18 limited licensee. Such list shall be provided to the director quarterly.

19 (5)(a) If any provision of this section or if one or more of the
20 grounds provided under section 44-4059 is violated by a limited licensee,
21 the director may, after notice and hearing:
22 (i) Revoke or suspend a limited license issued under this section;
23 (ii) Impose such other penalties, including suspending the
24 transaction of insurance at specific self-service storage facilities
25 where violations have occurred, as the director deems to be necessary or
26 convenient to carry out the purposes of this section; and
27 (iii) Order payment of an administrative fine of not more than one
28 thousand dollars per violation.

29 (b) An order issued pursuant to this subsection may be appealed, and
30 the appeal shall be in accordance with the Administrative Procedure Act.

31 (6) A limited licensee may act as an insurance producer for an
1 authorized insurer only in connection with insurance providing coverage
2 for the loss of, or damage to, tangible personal property that is
3 contained in storage space or in transit during a rental agreement
4 period, which may be offered on a month-to-month or other periodic basis
5 under an individual policy, or as a group, commercial, or master policy
6 to provide insurance for the self-service storage facility's occupants.
7 (7) No insurance may be issued pursuant to this section unless:
8 (a) The limited licensee provides brochures or other written
9 materials to the occupant that:
10 (i) Summarize the material terms of the insurance offered by the
11 limited licensee to occupants, including the identity of the insurer and
12 any third-party administrator or supervising entity authorized to act on
13 behalf of the insurer;
14 (ii) Describe the process for filing a claim; and
15 (iii) Contain information on the price, benefits, exclusions,
16 conditions, or other limitations of such insurance as the director may by
17 rule and regulation prescribe;
18 (b) The limited licensee makes the following disclosures to the
19 occupant:
20 (i) That the insurance offered by the limited licensee to occupants
21 may provide a duplication of coverage already provided by an occupant's
22 homeowner's insurance policy or by another source of coverage. This
23 disclosure shall be prominently displayed in the brochure or other
24 written materials provided to the occupant in at least twelve-point bold
25 type;
26 (ii) That, if purchased, the insurance offered by the limited
27 licensee to occupants is primary over any other coverages applicable to
28 the occupant;
29 (iii) That the purchase by the occupant of any kind of insurance
30 specified in this section from the limited licensee is not required in
31 order for the occupant to lease space at a self-service storage facility;
1 (iv) That, if purchased, the insurance offered by the limited
2 licensee to occupants is not an automobile liability policy and would not
3 provide compliance with the Motor Vehicle Safety Responsibility Act; and
4 (v) That a limited licensee's employee who is not licensed as an
5 insurance producer may not evaluate or interpret the technical terms,
6 benefits, or conditions of the kinds of insurance specified in this
7 section and may not evaluate or provide advice concerning an occupant's
8 existing insurance coverage;
9 (c) Evidence of coverage is issued at the time the insurance is
10 purchased; and
11 (d) Costs for insurance are separately itemized in the rental
12 agreement or an invoice issued to the occupant.
13 (8) Any limited license issued under this section shall also
14 authorize any employee of the limited licensee who is trained pursuant to
15 subsection (9) of this section to act individually on behalf and under
16 the supervision of the limited licensee with respect to the kinds of
17 insurance specified in this section.

- 18 (9) Each limited licensee shall conduct a training program which
19 shall meet the following minimum standards:
20 (a) Each trainee shall be instructed about the kinds of insurance
21 specified in this section offered for purchase by occupants;
22 (b) Each trainee shall be instructed that an occupant may have an
23 insurance policy that already provides the coverage being offered by the
24 limited licensee pursuant to this section and may not need to purchase
25 from the limited licensee the insurance specified in this section; and
26 (c) The training program shall be submitted and approved by the
27 director and shall contain, at a minimum, instructions on the types of
28 insurance offered, ethical sales practices, and required disclosures to
29 prospective occupants.
- 30 (10) All records pertaining to transactions under any limited
31 license shall be kept available and open to the inspection of the
1 director or his or her representatives at any time with notice and during
2 business hours. Records shall be maintained for three years following the
3 completion of transactions under a limited license.
- 4 (11) Notwithstanding any other provision of this section or rule or
5 regulation adopted and promulgated by the director, a limited licensee
6 shall not be required to treat money collected from occupants purchasing
7 insurance as funds received in a fiduciary capacity, except that the
8 charges for coverage shall be itemized and be ancillary to a rental
9 agreement.
- 10 (12) No limited licensee subject to this section shall:
11 (a) Offer or sell any kind of insurance specified in this section
12 except in conjunction with and incidental to a rental agreement;
13 (b) Advertise, represent, or otherwise hold itself or any of its
14 employees out as authorized insurers or licensed insurance producers;
15 (c) Pay its employees any additional compensation, fee, or
16 commission dependent on the placement of insurance under the limited
17 license issued pursuant to this section; or
18 (d) Require the purchase of any kind of insurance specified in this
19 section from the limited licensee as a condition of rental of leased
20 space at a self-service storage facility.
- 21 (13) A limited licensee is exempt from the continuing education
22 requirements in sections 44-3901 to 44-3908, the prelicensing education
23 requirements in sections 44-3909 to 44-3913, and the examination
24 requirements in section 44-4052.
- 25 (14) For purposes of this section:
26 (a) Leased space means the individual storage space at a self-
27 service storage facility which is rented to an occupant pursuant to a
28 rental agreement;
29 (b) Limited licensee means an operator of a self-service storage
30 facility authorized to sell certain kinds of insurance relating to the
31 use and occupancy of leased space at a self-service storage facility
1 pursuant to this section;
2 (c) Occupant means a person entitled to the use of leased space at a
3 self-service storage facility under a rental agreement or his or her
4 successors or assigns;

5 (d) Operator means the owner, operator, lessor, or sublessor of a
6 self-service storage facility or an agent or any other person authorized
7 to manage the facility. Operator does not include a warehouseman if the
8 warehouseman issues a warehouse receipt, bill of lading, or other
9 document of title for the personal property stored;

10 (e) Personal property means movable property that is not affixed to
11 land and includes: (i) Goods, wares, merchandise, household items, and
12 furnishings; (ii) vehicles, motor vehicles, trailers, and semitrailers;
13 and (iii) watercraft and motorized watercraft; and

14 (f) Rental agreement means any written agreement or lease that
15 establishes or modifies the terms, conditions, or rules concerning the
16 use and occupancy of leased space at a self-service storage facility.

17 Sec. 6. This act becomes operative on October 1, 2018.

18 Sec. 7. Original sections 44-3903, 44-3910, 44-4047, and 44-4052,

19 Revised Statutes Cumulative Supplement, 2016, are repealed.

(Signed) Brett Lindstrom, Chairperson

ANNOUNCEMENT(S)

Senator Chambers designates LB449 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 750. Title read. Considered.

Committee AM1599, found on page 434, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 775. Title read. Considered.

Committee AM1723, found on page 515, was offered.

Senator Stinner offered the following amendment to the committee amendment:

FA98

Amend AM1723

Strike 1 & 2.

Senator Chambers requested a roll call vote on the Stinner amendment.

The Stinner amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following motion:

MO206

Reconsider the vote taken on FA98.

SPEAKER SCHEER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 44:

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

Present and not voting, 2:

Chambers Erdman

Excused and not voting, 3:

Groene Vargas Wayne

The Chambers motion to reconsider failed with 0 ayes, 44 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the committee amendment:

FA99

Amend AM1723

P. 1 strike lines 9-11.

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 3 nays, and 34 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 41:

Albrecht	Erdman	Hughes	McDonnell	Thibodeau
Baker	Friesen	Kolowski	Murante	Walz
Blood	Geist	Kolterman	Pansing Brooks	Watermeier
Bostelman	Halloran	Krist	Quick	Williams
Brasch	Hansen	Kuehn	Riepe	Wishart
Brewer	Harr	Larson	Scheer	
Clements	Hilgers	Lindstrom	Schumacher	
Crawford	Hilkemann	Linehan	Smith	
Ebke	Howard	Lowe	Stinner	

Present and not voting, 2:

Chambers Wayne

Absent and not voting, 1:

Bolz

Excused and not voting, 5:

Briese Groene McCollister Morfeld Vargas

The Chambers amendment lost with 0 ayes, 41 nays, 2 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO207

Reconsider the vote taken on FA99.

Pending.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 900. Placed on General File with amendment.

AM1628

1 1. On page 19, line 14, strike "vehicle".

(Signed) Curt Friesen, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 936. Placed on Select File.**LEGISLATIVE BILL 710.** Placed on Select File with amendment.
ER1081 1. On page 1, line 3, after the second semicolon insert "to provide
2 an exception;".

(Signed) Anna Wishart, Chairperson

ANNOUNCEMENT(S)The Nebraska Retirement Systems Committee designates LB1005 and
LB548 as its priority bills.**AMENDMENT(S) - Print in Journal**Senator Brewer filed the following amendment to LB752:
AM1824

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 70-1014.02, Revised Statutes Cumulative
4 Supplement, 2016, is amended to read:
5 70-1014.02 (1)(a) A privately developed renewable energy generation
6 facility that meets the requirements of this section is exempt from
7 sections 70-1012 to 70-1014.01 if no less than thirty days prior to the
8 commencement of construction the owner of the facility:
9 (i) Notifies the board in writing of its intent to commence
10 construction of a privately developed renewable energy generation
11 facility;
12 (ii) Certifies to the board that the facility will meet the
13 requirements for a privately developed renewable energy generation
14 facility;
15 (iii) Certifies to the board that the private electric supplier will
16 (A) comply with any decommissioning requirements adopted by the local
17 governmental entities having jurisdiction over the privately developed
18 renewable energy generation facility and (B) except as otherwise provided
19 in subdivision (b) of this subsection, submit a decommissioning plan to
20 the board obligating the private electric supplier to bear all costs of
21 decommissioning the privately developed renewable energy generation
22 facility and requiring that the private electric supplier post a security
23 bond or other instrument, no later than the tenth year following
24 commercial operation, securing the costs of decommissioning the facility
25 and provide a copy of the bond or instrument to the board;
26 (iv) Certifies to the board that the private electric supplier has
27 entered into or prior to commencing construction will enter into a joint
1 transmission development agreement pursuant to subdivision (c) of this

2 subsection with the electric supplier owning the transmission facilities
3 of sixty thousand volts or greater to which the privately developed
4 renewable energy generation facility will interconnect; and
5 (v) Certifies to the board that the private electric supplier has
6 consulted with the Game and Parks Commission to identify potential
7 measures to avoid, minimize, and mitigate impacts to species identified
8 under subsection (1) or (2) of section 37-806 during the project planning
9 and design phases, if possible, but in no event later than the
10 commencement of construction.

11 (b) The board may bring an action in the name of the State of
12 Nebraska for failure to comply with subdivision (a)(iii)(B) of this
13 subsection. Subdivision (a)(iii)(B) of this subsection does not apply if
14 a local government entity with the authority to create requirements for
15 decommissioning has enacted decommissioning requirements for the
16 applicable jurisdiction.

17 (c) The joint transmission development agreement shall address
18 construction, ownership, operation, and maintenance of such additions or
19 upgrades to the transmission facilities as required for the privately
20 developed renewable energy generation facility. The joint transmission
21 development agreement shall be negotiated and executed contemporaneously
22 with the generator interconnection agreement or other directives of the
23 applicable regional transmission organization with jurisdiction over the
24 addition or upgrade of transmission, upon terms consistent with prudent
25 electric utility practices for the interconnection of renewable
26 generation facilities, the electric supplier's reasonable transmission
27 interconnection requirements, and applicable transmission design and
28 construction standards. The electric supplier shall have the right to
29 purchase and own transmission facilities as set forth in the joint
30 transmission development agreement. The private electric supplier of the
31 privately developed renewable energy generation facility shall have the
1 right to construct any necessary facilities or improvements set forth in
2 the joint transmission development agreement pursuant to the standards
3 set forth in the agreement at the private electric supplier's cost.

4 (2) Within ten days after receipt of a written notice complying with
5 subsection (1) of this section, the executive director of the board shall
6 issue a written acknowledgment that the privately developed renewable
7 energy generation facility is exempt from sections 70-1012 to 70-1014.01.

8 (3) The exemption allowed under this section for a privately
9 developed renewable energy generation facility shall extend to and exempt
10 all private electric suppliers owning any interest in the facility,
11 including any successor private electric supplier which subsequently
12 acquires any interest in the facility.

13 (4) No property owned, used, or operated as part of a privately
14 developed renewable energy generation facility shall be subject to
15 eminent domain by a consumer-owned electric supplier operating in the
16 State of Nebraska. Nothing in this section shall be construed to grant
17 the power of eminent domain to a private electric supplier or limit the
18 rights of any entity to acquire any public, municipal, or utility right-
19 of-way across property owned, used, or operated as part of a privately

20 developed renewable energy generation facility as long as the right-of-
 21 way does not prevent the operation of or access to the privately
 22 developed renewable energy generation facility.
 23 (5) Only a consumer-owned electric supplier operating in the State
 24 of Nebraska may exercise eminent domain authority to acquire the land
 25 rights necessary for the construction of transmission lines and related
 26 facilities. ~~The exercise of eminent domain to provide needed transmission~~
 27 ~~lines and related facilities for a privately developed renewable energy~~
 28 ~~generation facility is a public use.~~
 29 (6) Nothing in this section shall be construed to authorize a
 30 private electric supplier to sell or deliver electricity at retail in
 31 Nebraska.
 1 (7) Nothing in this section shall be construed to limit the
 2 authority of or require a consumer-owned electric supplier operating in
 3 the State of Nebraska to enter into a joint agreement with a private
 4 electric supplier to develop, construct, and jointly own a privately
 5 developed renewable energy generation facility.
 6 Sec. 2. Original section 70-1014.02, Revised Statutes Cumulative
 7 Supplement, 2016, is repealed.

Senator Morfeld filed the following amendment to LB757:
 AM1830

1 1. On page 6, line 24, after "maintains" insert "computerized"; in
 2 line 28 after "of" insert ", and the resources available to,"; and in
 3 line 31 strike "(2)" and insert "(2)(a)" and after "discloses" insert
 4 "computerized data that includes".
 5 2. On page 7, line 4, strike "(a)" and insert "(i)"; in line 6
 6 strike "(b)" and insert "(ii)"; after line 8 insert the following new
 7 subdivision:
 8 "(b) This subsection does not apply to any contract entered into
 9 before the effective date of this act. Any such contract renewed on or
 10 after the effective date of this act shall comply with the requirements
 11 of this subsection."; and in line 30 after the period insert "A violation
 12 of section 7 of this act does not give rise to a private cause of
 13 action.".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Erdman name added to LB127.
 Senator Kolowski name added to LB838.
 Senator McCollister name added to LB974.
 Senator McCollister name added to LB975.
 Senator Krist name added to LB1133.

VISITORS

Visitors to the Chamber were members of AFL-CIO from across the state; 14 students of Merrick County Leading Locally group from Central City; Director General Jerry Chang, Taipei Economic and Cultural Office, and Mr. Forester Lee; and Jamy, Teghan, Owen, and Tatum Sullivan from Superior.

ADJOURNMENT

At 11:51 a.m., on a motion by Senator Stinner, the Legislature adjourned until 9:00 a.m., Thursday, February 8, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FOURTH DAY - FEBRUARY 8, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 8, 2018

PRAYER

The prayer was offered by Pastor Josh Maxwell, Falls City Church of Christ, Falls City.

ROLL CALL

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

The roll was called and all members were present except Senator Vargas who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

NOTICE OF COMMITTEE HEARING(S)
Business and Labor

Room 2102

Tuesday, February 20, 2018 12:30 p.m.

Johnie Jason Girmus - Boiler Safety Code Advisory Board
Patricia L. Vannoy - Commission of Industrial Relations
Joel Carlson - Commission of Industrial Relations

(Signed) Joni Albrecht, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 7, 2018

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Information Technology Commission:

LaShonna Dorsey, 3601 Jones Street, #332, Omaha, NE 68105
Thomas Nutt, 1418 8th Avenue, Holdrege, NE 68949

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Information Technology Commission:

Terry Haack, Ph.D., 12827 N. 185 Street, Bennington, NE 68007
Dorest Harvey, 5208 Woodlane Drive, Papillion, NE 68133
Gerald Warren, 1910 O Street, Aurora, NE 68818
Walter G. Weir, 6900 Beaver Creek Lane, Lincoln, NE 68516

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 940A. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 940, One Hundred Fifth Legislature, Second Session, 2018; and to declare an emergency.

AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to LB940:
AM1743

- 1 1. Insert the following new section:
- 2 Sec. 5. Since an emergency exists, this act takes effect when
- 3 passed and approved according to law.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 7, 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

Johnson-Bonhart, Kimberly A.
UPS - United Parcel Service
Mattson Ricketts Law Firm
Landowners for a Common Purpose, LLC
McIntosh, Ryan
Landowners for a Common Purpose, LLC
Mossman, Stephen
Landowners for a Common Purpose, LLC
Peetz & Company
Heartland Strategy Group, LLC
Radcliffe, Walter H. of Radcliffe and Associates
Exodus Movement, Inc
Reece, Marc
Aetna

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>

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 306, 307, 308, and 309 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 306, 307, 308, and 309.

MOTION(S) - Return LB668 to Select File

Senator Chambers moved to return LB668 to Select File for the following specific amendment:

FA100

Strike the enacting clause.

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

Voting in the affirmative, 0.

Voting in the negative, 47:

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

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Vargas

The Chambers motion to return failed with 0 ayes, 47 nays, 1 present and not voting, and 1 excused and not voting.

Senator Chambers offered the following motion:

MO208

Reconsider the vote taken on the motion to return.

SPEAKER SCHEER PRESIDING

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 47:

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

Excused and not voting, 1:

Vargas

The Chambers motion to reconsider failed with 1 aye, 47 nays, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 668.

A BILL FOR AN ACT relating to schools; to eliminate inconsistent language; to amend section 79-237, Revised Statutes Supplement, 2017; and to repeal the original section.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Vargas

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

MOTION(S) - Return LB669 to Select File

Senator Chambers moved to return LB669 to Select File for the following specific amendment:

FA101

Strike the enacting clause.

PRESIDENT FOLEY PRESIDING

The Chambers motion to return failed with 2 ayes, 43 nays, 3 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 669.

A BILL FOR AN ACT relating to educational bridge programs; to repeal provisions that terminated June 30, 2015; and to outright repeal sections 79-1189, 79-1190, 79-1191, 79-1192, 79-1193, 79-1194, 79-1195, and 79-1196, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 46:

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

Voting in the negative, 2:

Bolz Hansen

Excused and not voting, 1:

Vargas

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

LEGISLATIVE BILL 100.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend section 71-963, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to petitions for removal of a person's firearm-related disabilities; and to repeal the original section.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Vargas

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB130 with 41 ayes, 2 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 130.

A BILL FOR AN ACT relating to annexation; to amend sections 31-763, 31-764, 31-765, 31-766, and 35-514, Reissue Revised Statutes of Nebraska; to change provisions relating to annexation by municipalities of a sanitary and improvement district, road improvement district, or fire protection district; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Vargas

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 135.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 81-2,163 and 81-2,164.03, Reissue Revised Statutes of Nebraska; to change provisions relating to publicity; to eliminate publication provisions; to eliminate the power of the Director of Agriculture to designate a bureau as prescribed; to change provisions relating to the Agricultural Products Marketing Information Cash Fund; to repeal the original sections; and to outright repeal sections 81-2,164, 81-2,164.01, and 81-2,164.02, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Vargas

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

LEGISLATIVE BILL 146.

A BILL FOR AN ACT relating to the Nebraska Probation Administration Act; to amend section 29-2264, Reissue Revised Statutes of Nebraska; to provide for set-asides of infractions as prescribed; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Vargas

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

LEGISLATIVE BILL 160.

A BILL FOR AN ACT relating to crime victims; to amend section 29-119, Reissue Revised Statutes of Nebraska; to redefine victim; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Schumacher

Excused and not voting, 1:

Vargas

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB177 with 42 ayes, 2 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 177.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-308, 66-1401, 66-1403, 66-1411, and 75-385, Reissue Revised Statutes of Nebraska, and sections 60-3,198 and 66-712, Revised Statutes Cumulative Supplement, 2016; to redefine apportionable vehicle and change provisions relating to fleet vehicles under the Motor Vehicle Registration Act; to change provisions relating to motor fuel tax collection and enforcement; to change provisions relating to the International Fuel Tax Agreement Act and the Compressed Fuel Tax Act; to eliminate the requirement of appointment of the Administrator of Motor Carrier Services by the Director of Motor Vehicles; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Vargas

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 304.

A BILL FOR AN ACT relating to the Nebraska Housing Agency Act; to amend sections 71-15,102, 71-15,140, 71-15,141, 71-15,142, 71-15,157, and 71-15,158, Reissue Revised Statutes of Nebraska; to change provisions relating to commission membership, storage and possession of personal property, filing of reports and plans, conflicts of interest, and public bidding requirements as prescribed; and to repeal the original sections.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Vargas

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

LEGISLATIVE BILL 347.

A BILL FOR AN ACT relating to school bus permits and qualifications; to amend section 79-608, Reissue Revised Statutes of Nebraska, and section 60-4,115, Revised Statutes Cumulative Supplement, 2016; to eliminate certain fees and requirements duplicated under federal law; to change powers and duties of the Department of Motor Vehicles and the State Department of Education; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Vargas

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

LEGISLATIVE BILL 399.

A BILL FOR AN ACT relating to the Nebraska Housing Agency Act; to amend sections 71-1594, 71-1598, 71-15,101, 71-15,102, 71-15,103, and 71-15,104, Reissue Revised Statutes of Nebraska; to add, change, and eliminate provisions relating to commissioners; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Vargas

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

LEGISLATIVE BILL 93.

A BILL FOR AN ACT relating to law enforcement; to adopt the Automatic License Plate Reader Privacy Act.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Riepe

Excused and not voting, 1:

Vargas

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

LEGISLATIVE BILL 96.

A BILL FOR AN ACT relating to economic development; to amend section 81-12,147, Revised Statutes Cumulative Supplement, 2016; to provide an eligible activity for assistance from the Site and Building Development Fund as prescribed; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Erdman

Excused and not voting, 1:

Vargas

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

LEGISLATIVE BILL 105.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1552 and 25-1556, Reissue Revised Statutes of Nebraska; to change provisions relating to personal property exemptions in cases of forced sale on execution or attachment; to provide for inflation adjustments every fifth year as prescribed; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 1:

Vargas

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB193 with 43 ayes, 3 nays, 2 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 193.

A BILL FOR AN ACT relating to courts; to amend sections 15-1202, 15-1203, 24-303, 24-729, 25-410, 25-412, 25-533, 25-602, 25-901, 25-915, 25-1031.02, 25-1121, 25-1126, 25-1129, 25-1149, 25-1301, 25-1301.01, 25-1303, 25-1305, 25-1318, 25-1415, 25-1416, 25-1504, 25-1510, 25-1521, 25-1531, 25-1578, 25-1587.04, 25-1587.06, 25-1635, 25-21,212, 25-21,228, 25-21,271, 25-2205, 25-2207, 25-2209, 25-2211, 25-2213, 25-2234, 25-2704, 25-2706, 25-2707, 25-2721, 25-2729, 25-2731, 25-3401, 28-814, 29-1302, 29-1407.01, 29-1414, 29-1418, 29-1705, 29-1802, 29-1816.01, 29-2001, 29-2023, 29-2315.01, 29-2413, 29-3903, 29-4007, 30-2429.01, 30-2488, 30-2608, 31-320, 31-329, 32-1412, 33-106.01, 33-131, 33-140.03, 35-102, 42-364, 42-372.02, 43-102, 43-2,112, 43-2,113, 44-2006, 48-1119, 76-717, 76-723, 81-8,211, 81-1848.03, and 84-712.03, Reissue Revised Statutes of Nebraska, sections 16-729, 44-4828, 48-3511, 50-406, and 71-6903, Revised Statutes Cumulative Supplement, 2016, and sections 25-1912, 29-2407, 33-106, 37-1283, 43-2,108, and 60-166, Revised Statutes Supplement, 2017; to define terms; to change and eliminate record and recording requirements and change terminology; to provide for, change, and eliminate provisions relating to transmission, retention, and disposition of records; to change provisions relating to the duties of court clerks and judges; to eliminate a filing requirement for volunteer fire departments; to provide a duty for the State Court Administrator; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 24-337, 24-348, 25-1319, 25-1320, 25-1321, 25-1322, 25-2210, 25-2211.01, 25-2211.02, and 25-2616, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Vargas

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 198.

A BILL FOR AN ACT relating to the Crimes Against Children Fund; to amend section 81-1429.01, Reissue Revised Statutes of Nebraska; to terminate the fund; and to repeal the original section.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Vargas

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB377 with 39 ayes, 2 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 377.

A BILL FOR AN ACT relating to schools; to amend sections 32-570, 32-606, 32-1007, 32-1303, 48-303, 72-2304, 77-3444, 79-102, 79-104, 79-203, 79-413, 79-415, 79-418, 79-419, 79-434, 79-443, 79-447, 79-451, 79-458, 79-470, 79-473, 79-479, 79-4,108, 79-4,129, 79-501, 79-506, 79-524, 79-525, 79-526, 79-547, 79-550, 79-554, 79-559, 79-564, 79-569, 79-570, 79-572, 79-577, 79-578, 79-579, 79-580, 79-581, 79-586, 79-587, 79-588, 79-594, 79-598, 79-5,104, 79-605, 79-728, 79-828, 79-850, 79-1029, 79-1030, 79-1045, 79-1065.02, 79-1072, 79-1089, 79-1090, 79-1098, 79-10,100, 79-10,101, 79-10,103, 79-10,114, 79-10,117, 79-10,118, 79-1217, and 79-1504, Reissue Revised Statutes of Nebraska, sections 79-101, 79-234, 79-499, 79-4,123, 79-528, 79-576, 79-611, 79-1036, 79-1075, 79-10,110, 79-10,110.02, and 79-10,120, Revised Statutes Cumulative Supplement, 2016, and sections 13-508, 79-407, 79-1003, and 79-1108.02, Revised Statutes Supplement, 2017; to change provisions relating to classification of school districts; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 10-704, 10-716.01, 23-3302, 32-541, 32-542, 32-546, 79-401, 79-402, 79-403, 79-404, 79-406, 79-410, 79-411, 79-416, 79-417, 79-423, 79-424, 79-425, 79-426, 79-427, 79-431, 79-452, 79-453, 79-454, 79-455, 79-472, 79-477, 79-478, 79-492, 79-493, 79-494, 79-495, 79-4,100, 79-4,101, 79-4,102, 79-4,103, 79-4,104, 79-4,109, 79-4,110, 79-4,111, 79-519, 79-523, 79-540, 79-541, 79-542, 79-548, 79-553, 79-556, 79-557, 79-558, 79-563, 79-565, 79-568, 79-585, 79-5,107, 79-5,108, 79-716, 79-717, 79-8,110, 79-1027.01, 79-1077, 79-1078, 79-1083.02, 79-1099, 79-10,111, 79-10,113, 79-10,121, 79-10,122, 79-10,123, 79-10,124, and 79-10,125, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Kolowski Vargas

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 614.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2717, Reissue Revised Statutes of Nebraska; to eliminate a restriction relating to appropriations; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Kolowski Vargas

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 668, 669, 100, 130, 135, 146, 160, 177, 304, 347, 399, 93, 96, 105, 193, 198, 377, and 614.

SELECT FILE

LEGISLATIVE BILL 285. ER99, found on page 401, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 258. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 310. ER97, found on page 404, was adopted.

Senator Harr offered his amendment, AM1613, found on page 393.

Pending.

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Thursday, February 15, 2018 1:30 p.m.

Roderick Todd Bartee - Nebraska Child Abuse Prevention Fund Board
Paul J. Nelson - Nebraska Child Abuse Prevention Fund Board

Wednesday, February 21, 2018 1:30 p.m.

Becky D. Rieken - Commission for the Blind and Visually Impaired
Diane Schutt - Commission for the Deaf and Hard of Hearing

(Signed) Merv Riepe, Chairperson

Government, Military and Veterans Affairs

Room 1507

Thursday, February 15, 2018 1:30 p.m.

Darrin Barner - Nebraska Tourism Commission
John Chapo - Nebraska Tourism Commission

Roger Kuhn - Nebraska Tourism Commission
 Roger L. Jasnoch - Nebraska Tourism Commission
 Barry McFarland - Nebraska Tourism Commission
 Debra Nelson-Loseke - Nebraska Tourism Commission
 LB1072
 LB725
 LB948

(Signed) John Murante, Chairperson

ANNOUNCEMENT(S)

Senator Stinner announced the Appropriations Committee will meet February 14, 2018, at 1:30 p.m. in Room 1525 instead of Room 2102.

Senator Hughes announced the Natural Resources Committee will meet February 14, 2018, at 1:30 p.m. in Room 2102 instead of Room 1525.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 874. Placed on General File with amendment. AM1823 is available in the Bill Room.

LEGISLATIVE BILL 880. Placed on General File with amendment. AM1792

- 1 1. On page 2, line 15; page 4, line 8; and page 5, line 24, strike
- 2 "assesses" and insert "evaluates".
- 3 2. On page 2, line 19, after the period insert "To meet the
- 4 requirements of this subsection, the city may (a) acquire publicly
- 5 available data and information from the State Department of Education,
- 6 the Department of Health and Human Services, the United States Bureau of
- 7 the Census, other federal, state, or local agencies, or any other
- 8 organization, (b) use a definition of quality found in existing programs,
- 9 including, but not limited to, the Step Up to Quality Child Care Act, the
- 10 Sixpence Early Learning Fund, the federal Head Start program or Early
- 11 Head Start program, or other early childhood education programs at a
- 12 school district, and (c) determine whether an early childhood education
- 13 program is accredited by a national association recognized by the
- 14 Department of Health and Human Services.".
- 15 3. On page 4, line 13; and page 5, line 29, after the period insert
- 16 "To meet the requirements of this subdivision, the city may (a) acquire
- 17 publicly available data and information from the State Department of
- 18 Education, the Department of Health and Human Services, the United States
- 19 Bureau of the Census, other federal, state, or local agencies, or any
- 20 other organization, (b) use a definition of quality found in existing
- 21 programs, including, but not limited to, the Step Up to Quality Child
- 22 Care Act, the Sixpence Early Learning Fund, the federal Head Start
- 23 program or Early Head Start program, or other early childhood education

24 programs at a school district, and (c) determine whether an early
 25 childhood education program is accredited by a national association
 26 recognized by the Department of Health and Human Services."

(Signed) Justin Wayne, Chairperson

AMENDMENT(S) - Print in Journal

Senator Murante filed the following amendment to LB350:
 AM1697

(Amendments to Final Reading copy)

1 1. On page 3, line 14, after "conviction" insert "except for such
 2 offender's voting rights, which shall be restored as provided in sections
 3 29-112 and 29-112.01".

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 8, 2018, at 11:46 a.m. were the following: LBs 668, 669, 100, 130, 135, 146, 160, 177, 304, 347, 399, 93, 96, 105, 193, 198, 377, and 614.

(Signed) Jamie Leishman
 Clerk of the Legislature's Office

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Wayne name added to LB694.
 Senator Wayne name added to LB695.
 Senator Groene name added to LB1069.
 Senator Albrecht name added to LB1069.
 Senator Thibodeau name added to LB1069.
 Senator Lowe name added to LB1069.
 Senator Erdman name added to LB1069.
 Senator Murante name added to LB1069.
 Senator Brewer name added to LB1069.
 Senator Murante name added to LR312.

VISITORS

Visitors to the Chamber were Kaitlyn Tennant and Megan Cochran from Auburn; Jay Ashcroft, Missouri Secretary of State and Steele Shippy, Deputy Chief of Staff; 40 members of the Wayne and Burt County Leadership group; and board members for Nebraska Association of People Supporting Employment First, Cheryl Montgomery from Fremont, and Laurel Johnson from Bloomfield.

The Doctor of the Day was Dr. John Jacobsen from Kearney.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Baker, the Legislature adjourned until 9:00 a.m., Monday, February 12, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIFTH DAY - FEBRUARY 12, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 12, 2018

PRAYER

The prayer was offered by Pastor Paul Warneke, Zion Lutheran Church, Hastings.

ROLL CALL

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

The roll was called and all members were present except Senators Hansen, Hilkemann, Krist, Kuehn, McCollister, Smith, Stinner, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 258. Placed on Final Reading.

LEGISLATIVE BILL 285. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 750. Placed on Select File with amendment.

ER109

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 45-737, Revised Statutes Cumulative Supplement,

4 2016, is amended to read:

5 45-737 A licensee licensed as a mortgage banker shall:

6 (1) Disburse required funds paid by the borrower and held in escrow

7 for the payment of insurance payments no later than the date upon which
8 the premium is due under the insurance policy;

9 (2) Disburse funds paid by the borrower and held in escrow for the
10 payment of real estate taxes prior to the time such real estate taxes
11 become delinquent;

12 (3) Pay any penalty incurred by the borrower because of the failure
13 of the licensee to make the payments required in subdivisions (1) and (2)
14 of this section unless the licensee establishes that the failure to
15 timely make the payments was due solely to the fact that the borrower was
16 sent a written notice of the amount due more than fifteen calendar days
17 before the due date to the borrower's last-known address and failed to
18 timely remit the amount due to the licensee;

19 (4) At least annually perform a complete escrow analysis. If there
20 is a change in the amount of the periodic payments, the licensee shall
21 mail written notice of such change to the borrower at least twenty
22 calendar days before the effective date of the change in payment. The
23 following information shall be provided to the borrower, without charge,
24 in one or more reports, at least annually:

25 (a) The name and address of the licensee;

26 (b) The name and address of the borrower;

27 (c) A summary of the escrow account activity during the year which
1 includes all of the following:

2 (i) The balance of the escrow account at the beginning of the year;

3 (ii) The aggregate amount of deposits to the escrow account during
4 the year; and

5 (iii) The aggregate amount of withdrawals from the escrow account
6 for each of the following categories:

7 (A) Payments applied to loan principal;

8 (B) Payments applied to interest;

9 (C) Payments applied to real estate taxes;

10 (D) Payments for real property insurance premiums; and

11 (E) All other withdrawals; and

12 (d) A summary of loan principal for the year as follows:

13 (i) The amount of principal outstanding at the beginning of the
14 year;

15 (ii) The aggregate amount of payments applied to principal during
16 the year; and

17 (iii) The amount of principal outstanding at the end of the year;

18 (5) Establish and maintain a toll-free telephone number or accept
19 collect telephone calls to respond to inquiries from borrowers, if the
20 licensee services residential mortgage loans. If a licensee ceases to
21 service residential mortgage loans, it shall continue to maintain a toll-
22 free telephone number or accept collect telephone calls to respond to
23 inquiries from borrowers for a period of twelve months after the date the
24 licensee ceased to service residential mortgage loans. A telephonic
25 messaging service which does not permit the borrower an option of
26 personal contact with an employee, agent, or contractor of the licensee
27 shall not satisfy the conditions of this section. Each day such licensee
28 fails to comply with this subdivision shall constitute a separate

29 violation of the Residential Mortgage Licensing Act;
30 (6) Answer in writing, within seven business days after receipt, any
31 written request for payoff information received from a borrower or a
1 borrower's designated representative. This service shall be provided
2 without charge to the borrower, except that when such information is
3 provided upon request within sixty days after the fulfillment of a
4 previous request, a processing fee of up to ten dollars may be charged;
5 (7) Record or cause to be recorded ~~Execute and deliver~~ a release of
6 mortgage pursuant to the provisions of section ~~76-2803 76-252~~ or, in the
7 case of a trust deed, record or cause to be recorded ~~execute and deliver~~
8 a reconveyance pursuant to the provisions of section ~~76-2803 76-1014.01~~;
9 (8) Maintain a copy of all documents and records relating to each
10 residential mortgage loan and application for a residential mortgage
11 loan, including, but not limited to, loan applications, federal Truth in
12 Lending Act statements, good faith estimates, appraisals, notes, rights
13 of rescission, and mortgages or trust deeds for a period of three years
14 after the date the residential mortgage loan is funded or the loan
15 application is denied or withdrawn;
16 (9) Notify the director in writing or through the Nationwide
17 Mortgage Licensing System and Registry within three business days after
18 the occurrence of any of the following:
19 (a) The filing of a voluntary petition in bankruptcy by the licensee
20 or notice of a filing of an involuntary petition in bankruptcy against
21 the licensee;
22 (b) The licensee has lost the ability to fund a loan or loans after
23 it had made a loan commitment or commitments and approved a loan
24 application or applications;
25 (c) Any other state or jurisdiction institutes license denial, cease
26 and desist, suspension, or revocation procedures against the licensee;
27 (d) The attorney general of any state, the Consumer Financial
28 Protection Bureau, or the Federal Trade Commission initiates an action to
29 enforce consumer protection laws against the licensee or any of the
30 licensee's officers, directors, shareholders, partners, members,
31 employees, or agents;
1 (e) The Federal National Mortgage Association, Federal Home Loan
2 Mortgage Corporation, Federal Housing Administration, or Government
3 National Mortgage Association suspends or terminates the licensee's
4 status as an approved seller or seller and servicer;
5 (f) The filing of a criminal indictment or information against the
6 licensee or any of its officers, directors, shareholders, partners,
7 members, employees, or agents; or
8 (g) The licensee or any of the licensee's officers, directors,
9 shareholders, partners, members, employees, or agents was convicted of,
10 pleaded guilty to, or was found guilty after a plea of nolo contendere to
11 (i) a misdemeanor under state or federal law which involves dishonesty or
12 fraud or which involves any aspect of the mortgage banking business,
13 depository institution business, or installment loan company business or
14 (ii) any felony under state or federal law; and
15 (10) Notify the director in writing or through the Nationwide

16 Mortgage Licensing System and Registry within thirty days after the
17 occurrence of a material development other than as described in
18 subdivision (9) of this section, including, but not limited to, any of
19 the following:

20 (a) Business reorganization;

21 (b) A change of name, trade name, doing business as designation, or
22 main office address;

23 (c) The establishment of a branch office. Notice of such
24 establishment shall be on a form prescribed by the department and
25 accompanied by a fee of seventy-five dollars for each branch office;

26 (d) The relocation or closing of a branch office; or

27 (e) The entry of an order against the licensee or any of the
28 licensee's officers, directors, shareholders, partners, members,
29 employees, or agents, including orders to which the licensee or other
30 parties consented, by any other state or federal regulator.

31 Sec. 2. Section 76-238, Revised Statutes Cumulative Supplement,
1 2016, is amended to read:

2 76-238 (1) Except as otherwise provided in sections 76-3413 to
3 76-3415, all deeds, mortgages, and other instruments of writing which are
4 required to be or which under the laws of this state may be recorded,
5 shall take effect and be in force from and after the time of delivering
6 such instruments to the register of deeds for recording, and not before,
7 as to all creditors and subsequent purchasers in good faith without
8 notice. All such instruments are void as to all creditors and subsequent
9 purchasers without notice whose deeds, mortgages, or other instruments
10 are recorded prior to such instruments. However, such instruments are
11 valid between the parties to the instrument. The transfer of any debt
12 secured by a mortgage shall also operate as a transfer of the security of
13 such debt.

14 (2) For purposes of this section, possession of agricultural real
15 estate or residential real estate by a party related to the owner of
16 record of the real estate within the third degree of consanguinity or
17 affinity shall not serve as notice to a creditor or subsequent purchaser
18 in any case in which such party is claiming rights in such real estate
19 pursuant to a lease (a) entered into on or after July 16, 2004; (b)
20 purporting to extend beyond a term of one year; and (c) which has not
21 satisfied the requirements of section 76-211, unless the creditor or
22 subsequent purchaser, in advance of recording a deed, mortgage, or other
23 instrument, has received a written copy of such lease.

24 (3) For purposes of this section:

25 (a) Agricultural products includes grain and feed crops; forages and
26 sod crops; and animal production, including breeding, feeding, or grazing
27 of cattle, horses, swine, sheep, goats, bees, or poultry;

28 (b) Agricultural real estate means land which is primarily used for
29 the production of agricultural products, including waste land lying in or
30 adjacent to and in common ownership with land used for the production of
31 agricultural products;

1 (c) Related within the third degree of consanguinity or affinity
2 includes parents, grandparents, great-grandparents, children,

3 grandchildren, great-grandchildren, brothers, sisters, uncles, aunts,
4 nephews, nieces, and spouses of the same and any partnership, limited
5 liability company, or corporation in which all of the partners, members,
6 or shareholders are related within the third degree of consanguinity or
7 affinity; and

8 (d) Residential real estate means real estate containing not more
9 than four units designed for use for residential purposes. A condominium
10 unit that is otherwise residential real estate remains so even though the
11 condominium development contains more than four dwelling units or units
12 for nonresidential purposes.

13 Sec. 3. Section 76-252, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 76-252 Section 76-2803 shall govern the mortgagee's obligation to
16 record or cause to be recorded a release of mortgage and the liability of
17 the mortgagee for failure to timely record or cause to be recorded a
18 release of mortgage ~~When the obligation secured by any mortgage has been~~
19 ~~satisfied, the mortgagee shall, upon receipt of a written request by the~~
20 ~~mortgagor or the mortgagor's successor in interest or designated~~
21 ~~representative or by a holder of a junior trust deed or junior mortgage,~~
22 ~~execute and deliver a release of mortgage in recordable form to the~~
23 ~~mortgagor or mortgagor's successor in interest or designated~~
24 ~~representative, as directed in the written request.~~

25 ~~Any mortgagee who fails to deliver such a release within sixty days~~
26 ~~after receipt of such written request shall be liable to the mortgagor or~~
27 ~~the mortgagor's successor in interest, as the case may be, for five~~
28 ~~thousand dollars or actual damages resulting from the failure, whichever~~
29 ~~is greater. In any action against the mortgagee pursuant to this section,~~
30 ~~the court shall award, in addition to the foregoing amounts, court costs,~~
31 ~~including reasonable attorney's fees, and may further order the mortgagee~~
1 ~~to execute a release. Successor in interest of the mortgagor shall~~
2 ~~include the current owner of the property and shall also include the~~
3 ~~person issuing a payoff check in accordance with the terms of a payoff~~
4 ~~letter from a mortgagee.~~

5 Sec. 4. Section 76-1014.01, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 76-1014.01 Section 76-2803 shall govern the beneficiary's
8 obligation to record or cause to be recorded a deed of reconveyance and
9 the liability of the beneficiary for failure to timely record or cause to
10 be recorded a deed of reconveyance ~~When the obligation secured by any~~
11 ~~trust deed has been satisfied, the beneficiary shall, upon receipt of a~~
12 ~~written request by the trustor or the trustor's successor in interest or~~
13 ~~designated representative or by the holder of a junior trust deed or~~
14 ~~junior mortgage, deliver to the trustor or trustor's successor in~~
15 ~~interest or designated representative a reconveyance in recordable form~~
16 ~~duly executed by the trustee. The reconveyance may designate the grantee~~
17 ~~therein as the person or persons entitled thereto. The beneficiary under~~
18 ~~such trust deed shall, upon receipt of a written request, deliver to the~~
19 ~~trustor or his or her successor in interest, as directed in the written~~
20 ~~request, the trust deed and the note or other evidence of the obligation~~

21 so satisfied. If a trustee fails or refuses to execute a reconveyance
22 required by the beneficiary, the beneficiary shall appoint a successor
23 trustee that will execute a reconveyance.

24 Any beneficiary who fails to deliver such a reconveyance within
25 sixty days after receipt of such written request shall be liable to the
26 trustor or his or her successor in interest, as the case may be, for five
27 thousand dollars or actual damages resulting from such failure, whichever
28 is greater. In any action against the beneficiary or trustee pursuant to
29 this section, the court shall award, in addition to the foregoing
30 amounts, court costs, including reasonable attorney's fees, and may
31 further order the trustee to reconvey the property. Successor in interest
1 of the trustor shall include the current owner of the property and shall
2 also include the person issuing a payoff check in accordance with the
3 terms of a payoff letter from a beneficiary.

4 Sec. 5. Section 76-2803, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 76-2803 (1) A secured creditor shall, after the secured creditor
7 receives full payment or performance of the secured obligation and
8 receives a written request by the trustor, mortgagor, or grantor, as
9 applicable, or the trustor's, mortgagor's, or grantor's successor in
10 interest or designated representative or by the holder of a junior trust
11 deed, junior mortgage, or other junior security interest, record, or
12 cause to be recorded, a deed of reconveyance or a release or satisfaction
13 of a mortgage or other security instrument, as applicable, interest in
14 the real property records of each county in which the trust deed,
15 mortgage, or other security instrument, as applicable, is recorded. If a
16 trust deed, mortgage, or other security instrument, as applicable,
17 secures a line of credit or future advances, the secured obligation is
18 fully paid or performed if, in addition to full payment or performance,
19 the secured creditor has received a written notification from the obligor
20 or obligors under a line of credit requesting the secured creditor to
21 terminate the line of credit or the secured creditor has received a
22 written notice containing a statement sufficient to terminate the
23 effectiveness of the provision for future advances as provided under
24 section 76-238.01 or 76-1002.

25 (2) A secured creditor who fails to record or cause to be recorded a
26 deed of reconveyance or a release or satisfaction of mortgage or other
27 security instrument within sixty days after receiving full payment or
28 performance of the secured obligation and receiving a written request as
29 required under subsection (1) of this section is liable to (a) the
30 trustor, mortgagor, or grantor, or the successor in interest of such
31 trustor, mortgagor, or grantor, as applicable, if such written request
1 was made by such trustor, mortgagor, or grantor, or a designated
2 representative of such trustor, mortgagor, or grantor, for the greater of
3 five thousand dollars or actual damages caused by such failure, plus
4 reasonable attorney's fees and costs or (b) a successor in interest of
5 the trustor, mortgagor, or grantor or of a landowner, purchaser, or
6 holder of a junior trust deed, junior mortgage, or other junior security
7 interest, as applicable, if such written request was made by such

~~8 successor in interest of the trustor, mortgagor, or grantor, or by such
9 landowner, purchaser, or holder of a junior trust deed, junior mortgage,
10 or other junior security interest, for actual damages caused by such
11 failure plus reasonable attorney's fees and costs. The court may further
12 order the trustee to reconvey the property or the mortgagee or grantee to
13 record a release or satisfaction of the mortgage or other security
14 instrument. This subsection does not apply if the secured creditor
15 received full payment or performance before the effective date of this
16 act. In addition to any other remedy provided by law, a secured creditor
17 who fails to record a deed of reconveyance or a release or satisfaction
18 of a security interest within sixty days after receiving full payment or
19 performance of the secured obligation is liable to the landowner or
20 purchaser for actual damages in the amount of any loss caused by the
21 failure, including reasonable attorney's fees and costs. The provisions
22 of this subsection do not apply if the secured creditor received full
23 payment or performance before July 18, 2008.~~

24 (3) A secured creditor is not liable under this section if the
25 secured creditor (a) established a reasonable procedure to achieve
26 compliance with its obligations under this section, (b) complied with
27 that procedure in good faith, and (c) was unable to comply with its
28 obligations due to circumstances beyond its control.

29 (4) A beneficiary under a deed of trust shall not be liable under
30 this section if the beneficiary (a) satisfies the conditions set forth
31 under subsection (3) of this section and (b) delivered to the trustee
1 under such deed of trust a written request to execute a deed of
2 reconveyance and the trustee failed to execute such deed of reconveyance,
3 provided that the beneficiary delivered such request within the time
4 provided herein for recording of a deed of reconveyance and the
5 beneficiary subsequently appoints a successor trustee who executes and
6 records or causes to be recorded a deed of reconveyance within a
7 reasonable time thereafter.

8 (5) Successor in interest of a trustor, mortgagor, or grantor shall
9 include the current owner of the real property and the person issuing a
10 payoff check in accordance with the terms of a payoff letter from a
11 beneficiary or mortgagee.

12 Sec. 6. Original sections 76-252, 76-1014.01, and 76-2803, Reissue
13 Revised Statutes of Nebraska, and sections 45-737 and 76-238, Revised
14 Statutes Cumulative Supplement, 2016, are repealed.

15 2. On page 1, line 3, strike "section" and insert "sections 45-737
16 and"; and in line 5 after "creditors" insert "with respect to the
17 Residential Mortgage Licensing Act, real estate conveyances, mortgages,
18 trust deeds, and the Nebraska Security Instrument Satisfaction Act" and
19 after the semicolon insert "to harmonize provisions;".

(Signed) Anna Wishart, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 9, 2018

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Climate Assessment Response Committee:

Richard (Rick) Rasby, 2300 N. 176 Street, Lincoln, NE 68527

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 310 and 311 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 310 and 311.

SELECT FILE

LEGISLATIVE BILL 744. Senator Watermeier offered his amendment, AM1801, found on page 535.

The Watermeier amendment was adopted with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 757. ER106, found on page 524, was adopted.

Senator Morfeld offered his amendment, AM1830, found on page 564.

The Morfeld amendment was adopted with 39 ayes, 0 nays, 4 present and

not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 758. ER103, found on page 486, was adopted.

Senator Chambers offered the following amendment:

AM1866

1 1. Strike the original sections and all amendments thereto and

2 insert the following new section:

3 Section 1. The following sections are outright repealed: Sections

4 23-3801, 23-3802, 23-3803, 23-3804, 23-3805, 23-3806, 23-3807, 23-3808,

5 23-3809, and 23-3810, Reissue Revised Statutes of Nebraska.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 5:

Ebke	Hansen	Harr	McCollister	McDonnell
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Voting in the negative, 30:

Albrecht	Clements	Halloran	Lindstrom	Stinner
Blood	Crawford	Hilgers	Linehan	Thibodeau
Bolz	Erdman	Hilkemann	Lowe	Vargas
Bostelman	Friesen	Howard	Quick	Walz
Brasch	Geist	Hughes	Riepe	Watermeier
Brewer	Groene	Kolterman	Scheer	Williams

Present and not voting, 8:

Baker	Kolowski	Pansing Brooks	Smith
Chambers	Morfeld	Schumacher	Wishart

Absent and not voting, 1:

Briese

Excused and not voting, 5:

Krist	Kuehn	Larson	Murante	Wayne
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The Chambers amendment lost with 5 ayes, 30 nays, 8 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 315. Introduced by Howard, 9.

WHEREAS, Evan Schroder, a member of Troop 99 of Omaha, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Evan has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, for his Eagle Scout Service Project, Evan constructed a handicapped accessible switchback ramp at Mount Michael Benedictine High School involving over four hundred hours of volunteer labor; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Evan Schroder will be awarded the rank of Eagle Scout on Saturday, February 24, 2018; and

WHEREAS, through his hard work and perseverance, Evan will join other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Evan Schroder on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Evan Schroder.

Laid over.

ANNOUNCEMENT(S)

Senator Stinner designates LB98 as his priority bill.

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Wednesday, February 21, 2018 1:30 p.m.

LB722

LB723

Thursday, February 22, 2018 1:30 p.m.

Robert P. Goodwin - Nebraska Oil and Gas Conservation Commission
 Thomas D. Oliver - Nebraska Oil and Gas Conservation Commission
 John W. Orr - Nebraska Environmental Trust Board
 LB713
 LB761

(Signed) Dan Hughes, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, February 20, 2018 1:00 p.m.

Compliance Hearing - DMV Note: Required by Neb. Rev. Stat. 84-901.01
 LB1113
 LB1114
 LB856

(Signed) Curt Friesen, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Dorsey, LaShonna - Nebraska Information Technology Commission -
 Transportation and Telecommunications
 Haack, Terry - Nebraska Information Technology Commission -
 Transportation and Telecommunications
 Harvey, Dorest - Nebraska Information Technology Commission -
 Transportation and Telecommunications
 Nutt, Thomas - Nebraska Information Technology Commission -
 Transportation and Telecommunications
 Rasby, Richard (Rick) - Climate Assessment Response Committee -
 Agriculture
 Warren, Gerald - Nebraska Information Technology Commission -
 Transportation and Telecommunications
 Weir, Walter G. - Nebraska Information Technology Commission -
 Transportation and Telecommunications

(Signed) Dan Watermeier, Chairperson
 Executive Board

AMENDMENT(S) - Print in Journal

Senator Schumacher filed the following amendment to LB51:
 AM1736

- 1 1. Insert the following new section:
- 2 Sec. 3. Section 77-1809, Revised Statutes Cumulative Supplement,

3 2016, is amended to read:

4 77-1809 (1) At all sales provided by law, the county board may
 5 purchase for the use and benefit, and in the name of the county, any real
 6 estate advertised and offered for sale when the same remains unsold for
 7 want of bidders. The county treasurer shall issue certificates of
 8 purchase of the real estate so sold in the name of the county. Such
 9 certificates shall remain in the custody of the county treasurer, who
 10 shall at any time assign the same to any person wishing to buy for the
 11 amount expressed on the face of the certificate and interest thereon at
 12 the rate of eleven percent per annum ~~specified in section 45-104.01, as~~
 13 ~~such rate may from time to time be adjusted by the Legislature,~~ from the
 14 date thereof. Such assignment shall be attested by the endorsement of the
 15 county clerk of his or her name on the back of such certificate, and such
 16 endorsement shall be made when requested by the county treasurer.
 17 (2) If real estate is purchased by a county under this section and
 18 such real estate lies within a municipality that has created a land bank
 19 pursuant to the Nebraska Municipal Land Bank Act, the county treasurer of
 20 such county shall notify the land bank of such purchase as soon as
 21 practical and shall give the land bank the first opportunity to acquire
 22 the certificate of purchase for such real estate from the county.
 23 2. On page 2, line 14, strike "specified in section 45-104.01" and
 24 insert "of eleven percent per annum"; and strike beginning with
 25 "specified" in line 27 through the comma in line 29, show as stricken,
 26 and insert "of eleven percent per annum".
 27 3. On page 7, strike beginning with "specified" in line 6 through
 1 "Legislature" in line 8, show as stricken, and insert "of eleven percent
 2 per annum".
 3 4. Renumber the remaining sections and correct the repealer
 4 accordingly.

SELECT FILE

LEGISLATIVE BILL 758. Senator Chambers offered the following
 motion:
 MO209
 Reconsider the vote taken on AM1866.

SPEAKER SCHEER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with
 13 ayes, 1 nay, and 35 not voting.

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

Voting in the affirmative, 4:

Chambers Harr Lowe Schumacher

Voting in the negative, 27:

Albrecht	Briese	Hilgers	Morfeld	Watermeier
Blood	Clements	Hilkemann	Quick	Williams
Bolz	Friesen	Hughes	Riepe	Wishart
Bostelman	Geist	Lindstrom	Scheer	
Brasch	Halloran	Linehan	Thibodeau	
Brewer	Hansen	McDonnell	Walz	

Present and not voting, 8:

Baker	Ebke	Howard	Krist
Crawford	Erdman	Kolowski	Smith

Absent and not voting, 1:

Vargas

Excused and not voting, 9:

Groene	Kuehn	McCollister	Pansing Brooks Wayne
Kolterman	Larson	Murante	Stinner

The Chambers motion to reconsider failed with 4 ayes, 27 nays, 8 present and not voting, 1 absent and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered his motion, MO184, found on page 424, to indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 24 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 37:

Albrecht	Crawford	Hilkemann	McDonnell	Vargas
Blood	Ebke	Howard	Morfeld	Walz
Bolz	Friesen	Hughes	Quick	Watermeier
Bostelman	Geist	Kolterman	Riepe	Williams
Brasch	Halloran	Kuehn	Scheer	Wishart
Brewer	Hansen	Lindstrom	Schumacher	
Briese	Harr	Linehan	Smith	
Clements	Hilgers	Lowe	Thibodeau	

Present and not voting, 5:

Baker Chambers Erdman Kolowski Krist

Excused and not voting, 7:

Groene McCollister Pansing Brooks Wayne
Larson Murante Stinner

The Chambers motion to indefinitely postpone failed with 0 ayes, 37 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO211

Reconsider the vote taken to indefinitely postpone.

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

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 43:

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

Present and not voting, 3:

Kolowski Krist Pansing Brooks

Excused and not voting, 2:

Howard Wayne

The Chambers motion to reconsider failed with 1 aye, 43 nays, 3 present and not voting, and 2 excused and not voting.

Senator Hughes offered the following motion:

MO210

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Voting in the affirmative, 45:

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

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Harr

Excused and not voting, 2:

Howard Wayne

The Hughes motion to invoke cloture prevailed with 45 ayes, 1 nay, 1 present and not voting, and 2 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Howard Wayne

Advanced to Enrollment and Review for Engrossment with 47 ayes, 0 nays, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 710. ER108, found on page 562, was adopted.

Senator Walz offered her amendment, AM1763, found on page 529.

The Walz amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment:
AM1867

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new section:
- 3 Section 1. The following sections are outright repealed: Sections
- 4 23-3801, 23-3802, 23-3803, 23-3804, 23-3805, 23-3806, 23-3807, 23-3808,
- 5 23-3809, and 23-3810, Reissue Revised Statutes of Nebraska.

Pending.

COMMITTEE REPORT(S)
Education

LEGISLATIVE BILL 1070. Placed on General File.

(Signed) Mike Groene, Chairperson

Health and Human Services

LEGISLATIVE BILL 703. Placed on General File.

LEGISLATIVE BILL 704. Placed on General File.

LEGISLATIVE BILL 706. Placed on General File.

(Signed) Merv Riepe, Chairperson

Judiciary

LEGISLATIVE BILL 816. Placed on General File.

LEGISLATIVE BILL 933. Placed on General File.

LEGISLATIVE BILL 832. Placed on General File with amendment.
AM1834

- 1 1. On page 3, line 29, after "cannabidiol" insert ", including
- 2 cannabidiol".
- 3 2. On page 4, lines 6 through 10, strike the new matter.

LEGISLATIVE BILL 855. Placed on General File with amendment.
AM1780

- 1 1. On page 2, line 4; page 3, line 29; and page 4, line 1, strike
- 2 "petition" and insert "motion".
- 3 2. On page 3, strike beginning with "Any" in line 21 through the
- 4 period in line 28 and insert "Any person who has received a pardon may
- 5 file a motion with the sentencing court for an order to seal the criminal
- 6 history record information and any cases related to such charges or
- 7 conviction.".

LEGISLATIVE BILL 931. Placed on General File with amendment.
AM1849

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 28-101, Revised Statutes Supplement, 2017, is
- 4 amended to read:
- 5 28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and
- 6 sections 3 to 5 of this act shall be known and may be cited as the
- 7 Nebraska Criminal Code.
- 8 Sec. 2. Section 28-401.01, Revised Statutes Supplement, 2017, is
- 9 amended to read:
- 10 28-401.01 Sections 28-401 to 28-456.01 and 28-458 to 28-472 and
- 11 sections 3 to 5 of this act shall be known and may be cited as the
- 12 Uniform Controlled Substances Act.
- 13 Sec. 3. (1) When prescribing a controlled substance listed in
- 14 Schedule II of section 28-405 or any other opiate not listed in Schedule
- 15 II, prior to issuing the initial prescription for a course of treatment
- 16 for acute or chronic pain and again prior to the third prescription for
- 17 such course of treatment, a practitioner shall discuss with the patient,
- 18 or the patient's parent or guardian if the patient is younger than
- 19 eighteen years of age and is not emancipated:
- 20 (a) The risks of addiction and overdose associated with the
- 21 controlled substance or opiate being prescribed, including, but not
- 22 limited to:
- 23 (i) Controlled substances and opiates are highly addictive even when
- 24 taken as prescribed;
- 25 (ii) There is a risk of developing a physical or psychological
- 26 dependence on the controlled substance or opiate; and
- 27 (iii) Taking more controlled substances or opiates than prescribed,
- 1 or mixing sedatives, benzodiazepines, or alcohol with controlled
- 2 substances or opiates, can result in fatal respiratory depression;
- 3 (b) The reasons why the prescription is necessary; and
- 4 (c) Alternative treatments that may be available.

5 (2) The practitioner shall include a note in the patient's medical
6 record that the patient or the patient's parent or guardian, as
7 applicable, has discussed with the practitioner the risks of developing a
8 physical or psychological dependence on the controlled substance or
9 opiate and alternative treatments that may be available.

10 (3) This section terminates on January 1, 2029.

11 Sec. 4. (1) The Legislature finds that:

12 (a) In most cases, acute pain can be treated effectively with
13 nonopiate or nonpharmacological options;

14 (b) With a more severe or acute injury, short-term use of opiates
15 may be appropriate;

16 (c) Initial opiate prescriptions for children should not exceed
17 seven days for most situations, and two or three days of opiates will
18 often be sufficient;

19 (d) If a patient needs medication beyond three days, the prescriber
20 should reevaluate the patient prior to issuing another prescription for
21 opiates; and

22 (e) Physical dependence on opiates can occur within only a few weeks
23 of continuous use, so great caution needs to be exercised during this
24 critical recovery period.

25 (2) A practitioner who is prescribing an opiate for a patient
26 younger than eighteen years of age for outpatient use for an acute
27 condition shall not prescribe more than a seven-day supply except as
28 otherwise provided in subsection (3) of this section and, if the
29 practitioner has not previously prescribed an opiate for such patient,
30 shall discuss with a parent or guardian of such patient the risks
31 associated with use of opiates and the reasons why the prescription is
1 necessary.

2 (3) If, in the professional medical judgment of the practitioner,
3 more than a seven-day supply of an opiate is required to treat such
4 patient's medical condition or is necessary for the treatment of pain
5 associated with a cancer diagnosis or for palliative care, the
6 practitioner may issue a prescription for the quantity needed to treat
7 such patient's medical condition or pain. The practitioner shall document
8 the medical condition triggering the prescription of more than a seven-
9 day supply of an opiate in the patient's medical record and shall
10 indicate that a nonopiate alternative was not appropriate to address the
11 medical condition.

12 (4) This section does not apply to controlled substances prescribed
13 pursuant to section 28-412.

14 (5) This section terminates on January 1, 2029.

15 Sec. 5. (1) In order to take receipt of dispensed opiates listed in
16 Schedule II, III, or IV of section 28-405, an individual shall display a
17 valid driver's or operator's license, a Nebraska state identification
18 card, a military identification card, an alien registration card, or a
19 passport as proof of identification.

20 (2) This section does not apply to a patient, resident, or employee
21 of a health care facility licensed pursuant to the Health Care Facility
22 Licensure Act if there are identification procedures in place for the

23 receipt and administration of controlled substances at the facility.
24 Sec. 6. Original sections 28-101 and 28-401.01, Revised Statutes
25 Supplement, 2017, are repealed.

LEGISLATIVE BILL 934. Placed on General File with amendment.
AM1841

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 28-101, Revised Statutes Supplement, 2017, is
4 amended to read:
5 28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and section
6 3 of this act shall be known and may be cited as the Nebraska Criminal
7 Code.
8 Sec. 2. Section 28-401.01, Revised Statutes Supplement, 2017, is
9 amended to read:
10 28-401.01 Sections 28-401 to 28-456.01 and 28-458 to 28-472 and
11 section 3 of this act shall be known and may be cited as the Uniform
12 Controlled Substances Act.
13 Sec. 3. (1) In order to take receipt of dispensed opiates listed in
14 Schedule II, III, or IV of section 28-405, an individual shall display a
15 valid driver's or operator's license, a Nebraska state identification
16 card, a military identification card, an alien registration card, or a
17 passport as proof of identification.
18 (2) This section does not apply to a patient, resident, or employee
19 of a health care facility licensed pursuant to the Health Care Facility
20 Licensure Act if there are identification procedures in place for the
21 receipt and administration of controlled substances at the facility.
22 Sec. 4. Original sections 28-101 and 28-401.01, Revised Statutes
23 Supplement, 2017, are repealed.

LEGISLATIVE BILL 971. Placed on General File with amendment.
AM1759

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 28-416, Revised Statutes Supplement, 2017, is
4 amended to read:
5 28-416 (1) Except as authorized by the Uniform Controlled Substances
6 Act, it shall be unlawful for any person knowingly or intentionally: (a)
7 To manufacture, distribute, deliver, dispense, or possess with intent to
8 manufacture, distribute, deliver, or dispense a controlled substance; or
9 (b) to create, distribute, or possess with intent to distribute a
10 counterfeit controlled substance.
11 (2) Except as provided in subsections (4), (5), (7), (8), (9), and
12 (10) of this section, any person who violates subsection (1) of this
13 section with respect to: (a) A controlled substance classified in
14 Schedule I, II, or III of section 28-405 which is an exceptionally
15 hazardous drug shall be guilty of a Class II felony; (b) any other
16 controlled substance classified in Schedule I, II, or III of section
17 28-405 shall be guilty of a Class IIA felony; or (c) a controlled

18 substance classified in Schedule IV or V of section 28-405 shall be
19 guilty of a Class IIIA felony.

20 ~~(3)(a) (3)~~ A person knowingly or intentionally possessing a
21 controlled substance, except marijuana or any substance containing a
22 quantifiable amount of the substances, chemicals, or compounds described,
23 defined, or delineated in subdivision (c)(25) of Schedule I of section
24 28-405, unless such substance was obtained directly or pursuant to a
25 medical order issued by a practitioner authorized to prescribe while
26 acting in the course of his or her professional practice, or except as
27 otherwise authorized by the act, is subject to the following penalties:
1 ~~shall be guilty of a Class IV felony.~~

2 (i) If the controlled substance is an amount constituting only
3 residue, such person is guilty of a Class I misdemeanor; or
4 (ii) If the controlled substance is an amount constituting more than
5 residue, such person is guilty of a Class IV felony.

6 (b) For purposes of this subsection, residue means:
7 (i) For a controlled substance customarily sold by weight, amounts
8 of one-tenth of a gram or less;
9 (ii) For a controlled substance not customarily sold by weight,
10 amounts of less than one dosage unit; or
11 (iii) The ashes, resin, or other actual physical remains of a
12 controlled substance that has already been consumed and is not a usable
13 amount.

14 (c) A person shall not be in violation of this subsection if section
15 28-472 applies.

16 (4)(a) Except as authorized by the Uniform Controlled Substances
17 Act, any person eighteen years of age or older who knowingly or
18 intentionally manufactures, distributes, delivers, dispenses, or
19 possesses with intent to manufacture, distribute, deliver, or dispense a
20 controlled substance or a counterfeit controlled substance (i) to a
21 person under the age of eighteen years, (ii) in, on, or within one
22 thousand feet of the real property comprising a public or private
23 elementary, vocational, or secondary school, a community college, a
24 public or private college, junior college, or university, or a
25 playground, or (iii) within one hundred feet of a public or private youth
26 center, public swimming pool, or video arcade facility shall be punished
27 by the next higher penalty classification than the penalty prescribed in
28 subsection (2), (7), (8), (9), or (10) of this section, depending upon
29 the controlled substance involved, for the first violation and for a
30 second or subsequent violation shall be punished by the next higher
31 penalty classification than that prescribed for a first violation of this
1 subsection, but in no event shall such person be punished by a penalty
2 greater than a Class IB felony.

3 (b) For purposes of this subsection:
4 (i) Playground means any outdoor facility, including any parking lot
5 appurtenant to the facility, intended for recreation, open to the public,
6 and with any portion containing three or more apparatus intended for the
7 recreation of children, including sliding boards, swingsets, and
8 teeterboards;

9 (ii) Video arcade facility means any facility legally accessible to
10 persons under eighteen years of age, intended primarily for the use of
11 pinball and video machines for amusement, and containing a minimum of ten
12 pinball or video machines; and

13 (iii) Youth center means any recreational facility or gymnasium,
14 including any parking lot appurtenant to the facility or gymnasium,
15 intended primarily for use by persons under eighteen years of age which
16 regularly provides athletic, civic, or cultural activities.

17 (5)(a) Except as authorized by the Uniform Controlled Substances
18 Act, it shall be unlawful for any person eighteen years of age or older
19 to knowingly and intentionally employ, hire, use, cause, persuade, coax,
20 induce, entice, seduce, or coerce any person under the age of eighteen
21 years to manufacture, transport, distribute, carry, deliver, dispense,
22 prepare for delivery, offer for delivery, or possess with intent to do
23 the same a controlled substance or a counterfeit controlled substance.

24 (b) Except as authorized by the Uniform Controlled Substances Act,
25 it shall be unlawful for any person eighteen years of age or older to
26 knowingly and intentionally employ, hire, use, cause, persuade, coax,
27 induce, entice, seduce, or coerce any person under the age of eighteen
28 years to aid and abet any person in the manufacture, transportation,
29 distribution, carrying, delivery, dispensing, preparation for delivery,
30 offering for delivery, or possession with intent to do the same of a
31 controlled substance or a counterfeit controlled substance.

1 (c) Any person who violates subdivision (a) or (b) of this
2 subsection shall be punished by the next higher penalty classification
3 than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of
4 this section, depending upon the controlled substance involved, for the
5 first violation and for a second or subsequent violation shall be
6 punished by the next higher penalty classification than that prescribed
7 for a first violation of this subsection, but in no event shall such
8 person be punished by a penalty greater than a Class IB felony.

9 (6) It shall not be a defense to prosecution for violation of
10 subsection (4) or (5) of this section that the defendant did not know the
11 age of the person through whom the defendant violated such subsection.

12 (7) Any person who violates subsection (1) of this section with
13 respect to cocaine or any mixture or substance containing a detectable
14 amount of cocaine in a quantity of:

15 (a) One hundred forty grams or more shall be guilty of a Class IB
16 felony;

17 (b) At least twenty-eight grams but less than one hundred forty
18 grams shall be guilty of a Class IC felony; or

19 (c) At least ten grams but less than twenty-eight grams shall be
20 guilty of a Class ID felony.

21 (8) Any person who violates subsection (1) of this section with
22 respect to base cocaine (crack) or any mixture or substance containing a
23 detectable amount of base cocaine in a quantity of:

24 (a) One hundred forty grams or more shall be guilty of a Class IB
25 felony;

26 (b) At least twenty-eight grams but less than one hundred forty

27 grams shall be guilty of a Class IC felony; or
28 (c) At least ten grams but less than twenty-eight grams shall be
29 guilty of a Class ID felony.
30 (9) Any person who violates subsection (1) of this section with
31 respect to heroin or any mixture or substance containing a detectable
1 amount of heroin in a quantity of:
2 (a) One hundred forty grams or more shall be guilty of a Class IB
3 felony;
4 (b) At least twenty-eight grams but less than one hundred forty
5 grams shall be guilty of a Class IC felony; or
6 (c) At least ten grams but less than twenty-eight grams shall be
7 guilty of a Class ID felony.
8 (10) Any person who violates subsection (1) of this section with
9 respect to amphetamine, its salts, optical isomers, and salts of its
10 isomers, or with respect to methamphetamine, its salts, optical isomers,
11 and salts of its isomers, in a quantity of:
12 (a) One hundred forty grams or more shall be guilty of a Class IB
13 felony;
14 (b) At least twenty-eight grams but less than one hundred forty
15 grams shall be guilty of a Class IC felony; or
16 (c) At least ten grams but less than twenty-eight grams shall be
17 guilty of a Class ID felony.
18 (11) Any person knowingly or intentionally possessing marijuana
19 weighing more than one ounce but not more than one pound shall be guilty
20 of a Class III misdemeanor.
21 (12) Any person knowingly or intentionally possessing marijuana
22 weighing more than one pound shall be guilty of a Class IV felony.
23 (13) Any person knowingly or intentionally possessing marijuana
24 weighing one ounce or less or any substance containing a quantifiable
25 amount of the substances, chemicals, or compounds described, defined, or
26 delineated in subdivision (c)(25) of Schedule I of section 28-405 shall:
27 (a) For the first offense, be guilty of an infraction, receive a
28 citation, be fined three hundred dollars, and be assigned to attend a
29 course as prescribed in section 29-433 if the judge determines that
30 attending such course is in the best interest of the individual
31 defendant;
1 (b) For the second offense, be guilty of a Class IV misdemeanor,
2 receive a citation, and be fined four hundred dollars and may be
3 imprisoned not to exceed five days; and
4 (c) For the third and all subsequent offenses, be guilty of a Class
5 IIIA misdemeanor, receive a citation, be fined five hundred dollars, and
6 be imprisoned not to exceed seven days.
7 (14) Any person convicted of violating this section, if placed on
8 probation, shall, as a condition of probation, satisfactorily attend and
9 complete appropriate treatment and counseling on drug abuse provided by a
10 program authorized under the Nebraska Behavioral Health Services Act or
11 other licensed drug treatment facility.
12 (15) Any person convicted of violating this section, if sentenced to
13 the Department of Correctional Services, shall attend appropriate

14 treatment and counseling on drug abuse.

15 (16) Any person knowingly or intentionally possessing a firearm
16 while in violation of subsection (1) of this section shall be punished by
17 the next higher penalty classification than the penalty prescribed in
18 subsection (2), (7), (8), (9), or (10) of this section, but in no event
19 shall such person be punished by a penalty greater than a Class IB
20 felony.

21 (17) A person knowingly or intentionally in possession of money used
22 or intended to be used to facilitate a violation of subsection (1) of
23 this section shall be guilty of a Class IV felony.

24 (18) In addition to the existing penalties available for a violation
25 of subsection (1) of this section, including any criminal attempt or
26 conspiracy to violate subsection (1) of this section, a sentencing court
27 may order that any money, securities, negotiable instruments, firearms,
28 conveyances, or electronic communication devices as defined in section
29 28-833 or any equipment, components, peripherals, software, hardware, or
30 accessories related to electronic communication devices be forfeited as a
31 part of the sentence imposed if it finds by clear and convincing evidence
1 adduced at a separate hearing in the same prosecution, following
2 conviction for a violation of subsection (1) of this section, and
3 conducted pursuant to section 28-1601, that any or all such property was
4 derived from, used, or intended to be used to facilitate a violation of
5 subsection (1) of this section.

6 (19) In addition to the penalties provided in this section:

7 (a) If the person convicted or adjudicated of violating this section
8 is eighteen years of age or younger and has one or more licenses or
9 permits issued under the Motor Vehicle Operator's License Act:

10 (i) For the first offense, the court may, as a part of the judgment
11 of conviction or adjudication, (A) impound any such licenses or permits
12 for thirty days and (B) require such person to attend a drug education
13 class;

14 (ii) For a second offense, the court may, as a part of the judgment
15 of conviction or adjudication, (A) impound any such licenses or permits
16 for ninety days and (B) require such person to complete no fewer than
17 twenty and no more than forty hours of community service and to attend a
18 drug education class; and

19 (iii) For a third or subsequent offense, the court may, as a part of
20 the judgment of conviction or adjudication, (A) impound any such licenses
21 or permits for twelve months and (B) require such person to complete no
22 fewer than sixty hours of community service, to attend a drug education
23 class, and to submit to a drug assessment by a licensed alcohol and drug
24 counselor; and

25 (b) If the person convicted or adjudicated of violating this section
26 is eighteen years of age or younger and does not have a permit or license
27 issued under the Motor Vehicle Operator's License Act:

28 (i) For the first offense, the court may, as part of the judgment of
29 conviction or adjudication, (A) prohibit such person from obtaining any
30 permit or any license pursuant to the act for which such person would
31 otherwise be eligible until thirty days after the date of such order and

1 (B) require such person to attend a drug education class;
 2 (ii) For a second offense, the court may, as part of the judgment of
 3 conviction or adjudication, (A) prohibit such person from obtaining any
 4 permit or any license pursuant to the act for which such person would
 5 otherwise be eligible until ninety days after the date of such order and
 6 (B) require such person to complete no fewer than twenty hours and no
 7 more than forty hours of community service and to attend a drug education
 8 class; and
 9 (iii) For a third or subsequent offense, the court may, as part of
 10 the judgment of conviction or adjudication, (A) prohibit such person from
 11 obtaining any permit or any license pursuant to the act for which such
 12 person would otherwise be eligible until twelve months after the date of
 13 such order and (B) require such person to complete no fewer than sixty
 14 hours of community service, to attend a drug education class, and to
 15 submit to a drug assessment by a licensed alcohol and drug counselor.
 16 A copy of an abstract of the court's conviction or adjudication
 17 shall be transmitted to the Director of Motor Vehicles pursuant to
 18 sections 60-497.01 to 60-497.04 if a license or permit is impounded or a
 19 juvenile is prohibited from obtaining a license or permit under this
 20 subsection.
 21 Sec. 2. Original section 28-416, Revised Statutes Supplement, 2017,
 22 is repealed.

(Signed) Laura Ebke, Chairperson

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.

Michele R. Marsh - 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

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Tuesday, February 20, 2018 1:30 p.m.

LR285CA

LR291

Lisa May - Nebraska Educational Telecommunications Commission

Robert Kobza - Board of Educational Lands and Funds
Joyce Simmons - Coordinating Commission for Postsecondary Education
Deborah Frison - Coordinating Commission for Postsecondary Education
John Bernthal - Coordinating Commission for Postsecondary Education

(Signed) Mike Groene, Chairperson

Agriculture

Room 1510

Tuesday, February 20, 2018 1:30 p.m.

Carl Sousek - Climate Assessment Response Committee
Richard (Rick) Rasby - Climate Assessment Response Committee

(Signed) Lydia Brasch, Chairperson

Health and Human Services

Room 1510

Wednesday, February 21, 2018 1:30 p.m.

Jeremy Fitzpatrick - Commission for the Deaf and Hard of Hearing

(Signed) Merv Riepe, Chairperson

ANNOUNCEMENT(S)

Senator Kolterman designates LB439 as his priority bill.

Senator McCollister designates LB776 as his priority bill.

AMENDMENT(S) - Print in Journal

Senator Harr filed the following amendment to LB310:
AM1876

(Amendments to Final Reading copy)

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 60-6,383, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:
5 60-6,383 (1) An implement of husbandry being operated on any highway
6 of this state, except the National System of Interstate and Defense
7 Highways, shall be exempt from the weight and load limitations of
8 subsections (2), (3), and (4) of section 60-6,294 but shall be subject to
9 any ordinances or resolutions enacted by local authorities pursuant to
10 section 60-681.

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

16 (3) For purposes of this section, an implement of husbandry includes
 17 (a) a farm tractor with or without a towed farm implement, (b) a self-
 18 propelled farm implement, (c) self-propelled equipment designed and used
 19 exclusively to carry and apply fertilizer, chemicals, or related products
 20 to agricultural soil or crops, (d) an agricultural floater-spreader
 21 implement as defined in section 60-303, (e) a fertilizer spreader, nurse
 22 tank, or truck permanently mounted with a spreader used for spreading or
 23 injecting water, dust, or liquid fertilizers or agricultural chemicals,
 24 (f) a truck mounted with a spreader used or manufactured to spread or
 25 inject animal manure, and (g) a mixer-feed truck owned and used by a
 26 livestock-raising operation designed for and used for the feeding of
 1 livestock.

2 Sec. 2. Original section 60-6,383, Revised Statutes Cumulative
 3 Supplement, 2016, is repealed.

Senator Harr filed the following amendment to LB310:
 AM1877

(Amendments to Final Reading copy)

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new section:
 3 Section 1. Each county shall inspect any bridge within its
 4 boundaries at least once every two years to determine whether the
 5 carrying capacity or weight limit of any such bridge is less than the
 6 limits set forth in subsections (2), (3), and (4) of section 60-6,294.

VISITORS

Visitors to the Chamber were 8 members of the Open World delegation from Ukraine.

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

ADJOURNMENT

At 11:54 a.m., on a motion by Senator Briese, the Legislature adjourned until 9:00 a.m., Tuesday, February 13, 2018.

Patrick J. O'Donnell
 Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 13, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 13, 2018

PRAYER

The prayer was offered by Father Mark McKercher, St. Stephen the Martyr Catholic Church, Omaha.

ROLL CALL

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

The roll was called and all members were present except Senators Groene, Hansen, Howard, Krist, Morfeld, Pansing Brooks, Smith, Watermeier, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

ANNOUNCEMENT(S)

Senator Geist designates LB993 as her priority bill.

NOTICE OF COMMITTEE HEARING(S)

Revenue

Room 1524

Wednesday, February 21, 2018 1:30 p.m.

LB798
LB914
LB954
LB1022
LB1045

Thursday, February 22, 2018 1:30 p.m.

LB965
LB1016
LB1095
LB1097
LB1075
LB1076

Friday, February 23, 2018 1:30 p.m.

LB910
LB937
LB1006
LB1100
LB1104

Tuesday, February 27, 2018 1:30 p.m.

LB759
LB996
LB1023
LB1021
LB941
LB1026
LB1088

(Signed) Jim Smith, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 312 and 313 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 312 and 313.

MOTION(S) - Confirmation Report(s)

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 511:

Environmental Quality Council
Joseph Citta
Mohamed Dahab

Voting in the affirmative, 30:

Albrecht	Brewer	Halloran	Larson	Schumacher
Baker	Chambers	Hilgers	Lindstrom	Stinner
Blood	Ebke	Hilkemann	Linehan	Thibodeau
Bolz	Erdman	Hughes	Lowe	Vargas
Bostelman	Friesen	Kolterman	McDonnell	Walz
Brasch	Geist	Kuehn	Scheer	Wishart

Voting in the negative, 0.

Present and not voting, 10:

Briese	Crawford	Kolowski	Murante	Riepe
Clements	Harr	McCollister	Quick	Williams

Excused and not voting, 9:

Groene	Howard	Morfeld	Smith	Wayne
Hansen	Krist	Pansing Brooks	Watermeier	

The appointments were confirmed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Senator Larson moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 518:

Nebraska Arts Council
 Steven F. Anderson
 Alec Gorynski
 Ellen Hornady
 Darrel J. Huenergardt
 Sue Roush
 Heather Schneider

Voting in the affirmative, 26:

Albrecht	Clements	Hilgers	McDonnell	Watermeier
Baker	Ebke	Hughes	Murante	Wishart
Blood	Erdman	Kolowski	Smith	
Bolz	Friesen	Larson	Stinner	
Brasch	Geist	Lindstrom	Thibodeau	
Chambers	Halloran	Linehan	Walz	

Voting in the negative, 0.

Present and not voting, 17:

Bostelman	Harr	Lowe	Scheer	Williams
Brewer	Hilkemann	McCollister	Schumacher	
Briese	Kolterman	Quick	Vargas	
Crawford	Kuehn	Riepe	Wayne	

Excused and not voting, 6:

Groene	Howard	Morfeld
Hansen	Krist	Pansing Brooks

The appointments were confirmed with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Senator Larson moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 518:

State Racing Commission
 Jeffrey Galyen
 Dennis Patrick Lee

Voting in the affirmative, 30:

Albrecht	Briese	Geist	Linehan	Smith
Baker	Chambers	Halloran	McCollister	Stinner
Blood	Clements	Hilgers	McDonnell	Thibodeau
Bolz	Ebke	Kolowski	Murante	Walz
Bostelman	Erdman	Larson	Pansing Brooks	Watermeier
Brasch	Friesen	Lindstrom	Schumacher	Wishart

Voting in the negative, 0.

Present and not voting, 14:

Brewer	Hilkemann	Kuehn	Riepe	Wayne
Crawford	Hughes	Lowe	Scheer	Williams
Harr	Kolterman	Quick	Vargas	

Excused and not voting, 5:

Groene	Hansen	Howard	Krist	Morfeld
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The appointments were confirmed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Senator Larson moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 519:

State Electrical Board
 John Hiller

Voting in the affirmative, 34:

Albrecht	Chambers	Hilgers	McCollister	Stinner
Baker	Clements	Hilkemann	McDonnell	Thibodeau
Blood	Ebke	Kolowski	Pansing Brooks	Walz
Bolz	Erdman	Kuehn	Riepe	Watermeier
Bostelman	Friesen	Larson	Scheer	Williams
Brasch	Geist	Lindstrom	Schumacher	Wishart
Briese	Halloran	Linehan	Smith	

Voting in the negative, 0.

Present and not voting, 10:

Brewer	Harr	Kolterman	Murante	Vargas
Crawford	Hughes	Lowe	Quick	Wayne

Excused and not voting, 5:

Groene	Hansen	Howard	Krist	Morfeld
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The appointment was confirmed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Lindstrom moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 535:

Department of Economic Development
David J. Rippe, Director

Voting in the affirmative, 28:

Albrecht	Chambers	Hilkemann	McCollister	Thibodeau
Baker	Clements	Hughes	Murante	Walz
Bolz	Erdman	Kolowski	Pansing Brooks	Watermeier
Bostelman	Friesen	Lindstrom	Riepe	Williams
Brasch	Geist	Linehan	Scheer	
Briese	Hilgers	Lowe	Stinner	

Voting in the negative, 0.

Present and not voting, 15:

Blood	Ebke	Kolterman	Quick	Vargas
Brewer	Halloran	Kuehn	Schumacher	Wayne
Crawford	Harr	Larson	Smith	Wishart

Excused and not voting, 6:

Groene	Howard	McDonnell
Hansen	Krist	Morfeld

The appointment was confirmed with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Senator Friesen moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 547:

Nebraska Highway Commission

David Copple
Mary K. Gerdes
James W. Hawks
James Kindig
Greg Wolford

Voting in the affirmative, 30:

Albrecht	Briese	Groene	Lowe	Stinner
Baker	Chambers	Hilgers	Murante	Thibodeau
Blood	Clements	Hilkemann	Pansing Brooks	Vargas
Bostelman	Erdman	Hughes	Riepe	Watermeier
Brasch	Friesen	Kolterman	Scheer	Williams
Brewer	Geist	Linehan	Smith	Wishart

Voting in the negative, 0.

Present and not voting, 14:

Bolz	Halloran	Kuehn	McCollister	Walz
Crawford	Harr	Larson	Quick	Wayne
Ebke	Kolowski	Lindstrom	Schumacher	

Excused and not voting, 5:

Hansen	Howard	Krist	McDonnell	Morfeld
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The appointments were confirmed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 614:

Foster Care Advisory Committee
Michele R. Marsh

Voting in the affirmative, 32:

Albrecht	Chambers	Hilgers	Lowe	Vargas
Baker	Clements	Hilkemann	Murante	Watermeier
Blood	Ebke	Hughes	Pansing Brooks	Williams
Bostelman	Erdman	Kolterman	Riepe	Wishart
Brasch	Friesen	Kuehn	Schumacher	
Brewer	Geist	Lindstrom	Stinner	
Briese	Halloran	Linehan	Thibodeau	

Voting in the negative, 0.

Present and not voting, 11:

Bolz	Kolowski	Quick	Walz
Crawford	Larson	Scheer	Wayne
Harr	McCollister	Smith	

Excused and not voting, 6:

Groene	Howard	McDonnell
Hansen	Krist	Morfeld

The appointment was confirmed with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Lindstrom filed the following amendment to LB743:
AM1875

- 1 1. Insert the following new sections:
- 2 Sec. 20. Section 44-2607, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 44-2607 Insurance consultant shall mean any person who, for a fee,
- 5 engages in the business of offering to the public any advice, counsel,
- 6 opinion, or service with respect to insurable risks, or concerning the
- 7 benefits, coverages, or provisions under any policy of insurance that
- 8 could be issued in this state, or involving the advantages or
- 9 disadvantages of any such policy of insurance, or any formal plan of
- 10 managing pure risk. Insurance consultant does not include a public
- 11 adjuster licensed under the Public Adjusters Licensing Act.
- 12 Sec. 29. Section 44-8108, Revised Statutes Cumulative Supplement,
- 13 2016, is amended to read:
- 14 44-8108 (1) An insurance producer shall not solicit the sale of an
- 15 annuity product unless the insurance producer has adequate knowledge of
- 16 the product to recommend the annuity and the insurance producer is in
- 17 compliance with the insurer's standards for product training. An
- 18 insurance producer may rely on insurer-provided product-specific training
- 19 standards and materials to comply with this subsection.
- 20 (2)(a)(i) An insurance producer who engages in the sale of annuity
- 21 products shall complete a one-time four-credit training course approved

22 by the Department of Insurance and provided by a department-approved
23 education provider.

24 (ii) Insurance producers who hold a life insurance line of authority
25 on July 19, 2012, and who desire to sell annuities shall complete the
26 requirements of this subsection within six months after July 19, 2012.

27 Individuals who obtain a life insurance line of authority on or after
1 July 19, 2012, shall not engage in the sale of annuities until the
2 annuity training course required under this subsection has been
3 completed.

4 (b) The minimum length of the training required under this
5 subsection shall be sufficient to qualify for at least four continuing
6 education credits, but may be longer.

7 (c) The training required under this subsection shall include
8 information on the following topics:

9 (i) The types of annuities and various classifications of annuities;

10 (ii) Identification of the parties to an annuity;

11 (iii) How fixed, variable, and indexed annuity contract provisions
12 affect consumers;

13 (iv) The application of income taxation of qualified and
14 nonqualified annuities;

15 (v) The primary uses of annuities; and

16 (vi) Appropriate sales practices and replacement and disclosure
17 requirements.

18 (d) Providers of courses intended to comply with this subsection
19 shall cover all topics listed in the prescribed outline and shall not
20 present any marketing information or provide training on sales techniques
21 or specific information about a particular insurer's products. Additional
22 topics may be offered in conjunction with and in addition to the required
23 outline.

24 (e) A provider of an annuity training course intended to comply with
25 this subsection shall register as a continuing education provider in this
26 state and comply with the requirements applicable to insurance producer
27 continuing education activities ~~courses~~ as set forth in section 44-3905.

28 (f) Annuity training courses may be conducted and completed by
29 classroom or self-study methods in accordance with sections 44-3901 to
30 44-3908.

31 (g) Providers of annuity training shall comply with the reporting
1 requirements and shall issue certificates of completion in accordance
2 with sections 44-3901 to 44-3908.

3 (h) The satisfaction of training requirements of another state that
4 are substantially similar to the provisions of this subsection shall be
5 deemed to satisfy the training requirements of this subsection.

6 (i) An insurer shall verify that an insurance producer has completed
7 the annuity training course required under this subsection before
8 allowing the producer to sell an annuity product for that insurer. An
9 insurer may satisfy its responsibility under this subsection by obtaining
10 certificates of completion of the training course or obtaining reports
11 provided by National Association of Insurance Commissioners-sponsored
12 data base systems or vendors or from a reasonably reliable commercial

- 13 data base vendor that has a reporting arrangement with approved insurance
 14 education providers.
 15 2. On page 2, line 31, strike "or any".
 16 3. On page 3, line 1, strike beginning with "other" through "doing"
 17 and insert "does"; in line 3 strike "Acting" and insert "Acts" and
 18 strike "aiding" and insert "aids"; in line 6 strike "Advertising" and
 19 insert "Advertises"; in lines 7 and 10 strike "soliciting" and insert
 20 "solicits"; in line 7 strike "representing" and insert "represents"; in
 21 line 11 strike the comma; and in lines 26 and 31 strike "claimant" and
 22 insert "insured".
 23 4. On page 7, line 21, strike "either"; and in line 22 strike
 24 beginning with "or" through "state".
 25 5. On page 9, line 7; page 10, line 6; and page 19, line 2, strike
 26 "act" and insert "Public Adjusters Licensing Act".
 27 6. On page 9, line 16, strike "of address".
 28 7. On page 10, line 24, strike "insurance".
 29 8. On page 11, line 1, strike the third comma; in line 3 after
 30 "elsewhere" insert "or failing to comply with section 17 of this act";
 31 and in line 4 after "insurance" insert "or public adjuster" and strike
 1 "its equivalent" and insert "the equivalent thereof".
 2 9. On page 12, line 13, strike "act" and insert "Public Adjusters
 3 Licensing Act".
 4 10. On page 13, line 14, strike "courses" and insert "activities".
 5 11. On page 14, line 2, after "of" insert "compensation, including,
 6 but not limited to,"; and in line 3 strike "compensation".
 7 12. On page 16, line 23, strike "cancellation" and insert
 8 "rescission".
 9 13. On page 18, line 19, strike "Unless disclosed to the insured, a"
 10 and insert "A".
 11 14. On page 19, line 24, strike the last comma; and in line 25
 12 strike the comma.
 13 15. On page 21, line 22, strike "subdivision", show as stricken, and
 14 insert "subsection"; and in lines 27 and 31 strike "course", show as
 15 stricken, and insert "continuing education activity".
 16 16. On page 22, line 4, strike "course", show as stricken, and
 17 insert "continuing education activity"; in line 12 strike "course" and
 18 insert "continuing education sponsor"; and in line 13 strike "provider".
 19 17. On page 30, lines 2 and 12, strike "courses", show as stricken,
 20 and insert "activities"; in line 12 strike "subdivision", show as
 21 stricken, and insert "subsection"; and in line 13 strike "(1)(c)" and
 22 insert "(1)".
 23 18. Renumber the remaining sections and amend the repealer
 24 accordingly.

COMMITTEE REPORT(S)

Natural Resources

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

Robert Hall - Environmental Quality Council
Lance Hedquist - Environmental Quality Council

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

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

Ryan McIntosh - Nebraska Environmental Trust Board

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

(Signed) Dan Hughes, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Revenue

Room 1524

Thursday, February 22, 2018 1:30 p.m.

LB939

(Signed) Jim Smith, Chairperson

SELECT FILE

LEGISLATIVE BILL 710. Senator Chambers renewed his amendment, AM1867, found on page 606.

Senator Chambers withdrew his amendment.

Senator Baker offered the following amendment:

AM1889

1 1. On page 3, strike beginning with "provided" in line 2 through
2 "rate" in line 3.

The Baker amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 775. Senator Chambers renewed his motion, MO207, found on page 561, to reconsider the vote taken on FA99.

SENATOR HUGHES PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

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

Voting in the affirmative, 2:

Chambers Wayne

Voting in the negative, 34:

Albrecht	Clements	Hilgers	Lowe	Thibodeau
Baker	Crawford	Hilkemann	McCollister	Vargas
Blood	Erdman	Howard	Pansing Brooks	Walz
Bolz	Geist	Hughes	Quick	Watermeier
Bostelman	Groene	Kolterman	Riepe	Williams
Brewer	Halloran	Kuehn	Schumacher	Wishart
Briese	Hansen	Linehan	Stinner	

Present and not voting, 2:

Kolowski Krist

Excused and not voting, 11:

Brasch	Harr	McDonnell	Scheer
Ebke	Larson	Morfeld	Smith
Friesen	Lindstrom	Murante	

The Chambers motion to reconsider failed with 2 ayes, 34 nays, 2 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO213

Bracket until April 18, 2018.

Senator Chambers moved for a call of the house. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 28:

Albrecht	Briese	Hansen	Linehan	Walz
Baker	Clements	Hilkemann	Lowe	Watermeier
Blood	Crawford	Howard	McDonnell	Williams
Bolz	Ebke	Hughes	Quick	Wishart
Bostelman	Geist	Kolterman	Stinner	
Brewer	Halloran	Kuehn	Vargas	

Present and not voting, 5:

Chambers	Erdman	Kolowski	Pansing Brooks	Wayne
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Excused and not voting, 16:

Brasch	Hilgers	McCollister	Scheer
Friesen	Krist	Morfeld	Schumacher
Groene	Larson	Murante	Smith
Harr	Lindstrom	Riepe	Thibodeau

The Chambers motion to bracket failed with 0 ayes, 28 nays, 5 present and not voting, and 16 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO214

Reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.

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

Voting in the affirmative, 3:

Brewer	Chambers	Wayne
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Voting in the negative, 34:

Albrecht	Clements	Hansen	Lowe	Smith
Baker	Crawford	Hilkemann	McCollister	Stinner
Blood	Ebke	Hughes	McDonnell	Vargas
Bolz	Friesen	Kolterman	Morfeld	Walz
Bostelman	Geist	Kuehn	Murante	Williams
Brasch	Groene	Lindstrom	Quick	Wishart
Briese	Halloran	Linehan	Schumacher	

Present and not voting, 3:

Erdman	Kolowski	Pansing Brooks
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Excused and not voting, 9:

Harr	Howard	Larson	Scheer	Watermeier
Hilgers	Krist	Riepe	Thibodeau	

The Chambers motion to reconsider failed with 3 ayes, 34 nays, 3 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO215

Recommit to the Appropriations Committee.

SPEAKER SCHEER PRESIDING

Senator Stinner offered the following motion:

MO212

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner moved for a call of the house. The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

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

Voting in the affirmative, 46:

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

Voting in the negative, 1:

Chambers

Present and not voting, 1:

McCollister

Excused and not voting, 1:

Krist

The Stinner motion to invoke cloture prevailed with 46 ayes, 1 nay, 1 present and not voting, and 1 excused and not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 47:

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

Excused and not voting, 1:

Krist

The Chamber motion to recommit to committee failed with 1 aye, 47 nays, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the committee amendment, AM1723, as amended.

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Krist

The committee amendment, as amended, was adopted with 48 ayes, 0 nays, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 47:

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

Voting in the negative, 1:

Chambers

Excused and not voting, 1:

Krist

Advanced to Enrollment and Review Initial with 47 ayes, 1 nay, and 1 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Executive Board

LEGISLATIVE BILL 1078. Placed on General File.**LEGISLATIVE BILL 935.** Placed on General File with amendment.

AM1888

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

2 sections:

3 Section 1. (1) Notwithstanding sections 77-2711 and 77-27,119, the
4 Tax Commissioner may 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; ~~and -~~

30 (f) For agreements entered into on or after the effective date of
31 this act, a requirement that the company create and maintain a separate
1 unemployment insurance account with the Department of Labor for each
2 location that will have new employees. Such unemployment insurance
3 account shall:

4 (i) Be maintained for the duration of the taxpayer's participation
5 in the Nebraska Advantage Act;

6 (ii) Be used only for the new employees who work at the relevant
7 location and earn the rate of pay necessary to be included in the
8 calculation of credits under the Nebraska Advantage Act; and

9 (iii) Be used to report the wages paid, hours paid, and job titles
10 for the new employees who work at the relevant location and earn the rate
11 of pay necessary to be included in the calculation of credits under the
12 act.

13 (7) The incentives contained in section 77-5725 shall be in lieu of
14 the tax credits allowed by the Nebraska Advantage Rural Development Act
15 for any project. In computing credits under the act, any investment or
16 employment which is eligible for benefits or used in determining benefits
17 under the Nebraska Advantage Act shall be subtracted from the increases
18 computed for determining the credits under section 77-27,188. New
19 investment or employment at a project location that results in the
20 meeting or maintenance of the employment or investment requirements, the

21 creation of credits, or refunds of taxes under the Employment and
22 Investment Growth Act shall not be considered new investment or
23 employment for purposes of the Nebraska Advantage Act. The use of
24 carryover credits under the Employment and Investment Growth Act, the
25 Invest Nebraska Act, the Nebraska Advantage Rural Development Act, or the
26 Quality Jobs Act shall not preclude investment and employment from being
27 considered new investment or employment under the Nebraska Advantage Act.
28 The use of property tax exemptions at the project under the Employment
29 and Investment Growth Act shall not preclude investment not eligible for
30 the property tax exemption from being considered new investment under the
31 Nebraska Advantage Act.

1 (8) A taxpayer and the Tax Commissioner may enter into agreements
2 for more than one project and may include more than one project in a
3 single agreement. The projects may be either sequential or concurrent. A
4 project may involve the same location as another project. No new
5 employment or new investment shall be included in more than one project
6 for either the meeting of the employment or investment requirements or
7 the creation of credits. When projects overlap and the plans do not
8 clearly specify, then the taxpayer shall specify in which project the
9 employment or investment belongs.

10 (9) The taxpayer may request that an agreement be modified if the
11 modification is consistent with the purposes of the act and does not
12 require a change in the description of the project. An agreement may not
13 be modified to a tier that would grant a higher level of benefits to the
14 taxpayer or to a tier 1 project. Once satisfied that the modification to
15 the agreement is consistent with the purposes stated in the act, the Tax
16 Commissioner and taxpayer may amend the agreement. For a tier 6 project,
17 the taxpayer must agree to limit the project to qualified activities
18 allowable under tier 2 and tier 4.

19 Sec. 4. (1) To facilitate accurate and thorough tax incentive
20 performance audits under section 50-1209, each taxpayer that has an
21 active agreement with the Department of Revenue to receive incentives
22 under the Nebraska Advantage Act shall:

23 (a) Beginning in 2019, submit a report to the Department of Revenue
24 by October 31 of each year. The report shall include the following
25 information with respect to the taxpayer's business operations in
26 Nebraska:

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

29 (ii) An identification of which federal employer identification
30 numbers include new employees;

31 (iii) All unemployment insurance identification numbers associated
1 with the taxpayer and with the members of the taxpayer's unitary group,
2 if any;

3 (iv) An identification of which unemployment insurance
4 identification numbers include new employees;

5 (v) The amount of investment that was approved for credits in the
6 previous taxable year, identified by asset class as described in Internal
7 Revenue Service Publication 946, Tables B-1 and B-2;

8 (vi) The number of employees for each quarter in the previous
 9 calendar year who were offered employer-provided medical, vision, dental,
 10 and retirement benefits; and
 11 (vii) The number of employees for each quarter in the previous
 12 calendar year who received employer-provided medical, vision, dental, and
 13 retirement benefits; and
 14 (b) Create and maintain a separate unemployment insurance account
 15 with the Department of Labor for each location that has new employees.
 16 Such unemployment insurance account shall:
 17 (i) Be maintained for the duration of the taxpayer's participation
 18 in the Nebraska Advantage Act;
 19 (ii) Be used only for the new employees who work at the relevant
 20 location and earn the rate of pay necessary to be included in the
 21 calculation of credits under the Nebraska Advantage Act; and
 22 (iii) Be used to report the wages paid, hours paid, and job titles
 23 for the new employees who work at the relevant location and earn the rate
 24 of pay necessary to be included in the calculation of credits under the
 25 act.
 26 (2) Taxpayers shall continue to submit the report required in
 27 subdivision (1)(a) of this section until three years have passed after
 28 the end of the last taxable year in which credits may be claimed under
 29 the Nebraska Advantage Act, except that such reporting requirement shall
 30 no longer apply if:
 31 (a) The taxpayer withdraws from participation in the Nebraska
 1 Advantage Act; or
 2 (b) The Department of Revenue terminates the taxpayer's
 3 participation in the Nebraska Advantage Act.
 4 Sec. 5. To facilitate accurate and thorough tax incentive
 5 performance audits under section 50-1209, the Department of Revenue shall
 6 retain all relevant administrative records and data relating to the
 7 Nebraska Advantage Act for at least twenty years. For purposes of this
 8 section, administrative records and data include, but are not limited to:
 9 (1) Tax returns;
 10 (2) Administrative data bases and spreadsheets;
 11 (3) Audits; and
 12 (4) Contracts and agreements.
 13 Sec. 6. Original sections 77-5701 and 77-5723, Revised Statutes
 14 Cumulative Supplement, 2016, are repealed.

(Signed) Dan Watermeier, Chairperson

Health and Human Services

LEGISLATIVE BILL 701. Placed on General File with amendment.
AM1880

1 1. On page 4, line 16, strike "shall" and insert "may".

(Signed) Merv Riepe, Chairperson

ANNOUNCEMENT(S)

Senator Howard designates LB931 as her priority bill.

The Executive Board designates LB1078 as its priority bill.

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB755:

AM1901

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

3 Section 1. Section 60-6,356, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 60-6,356 (1) An all-terrain vehicle or a utility-type vehicle shall
6 not be operated on any controlled-access highway with more than two
7 marked traffic lanes. The crossing of any controlled-access highway with
8 more than two marked traffic lanes shall not be permitted except as
9 provided in subsection (9) of this section. Subsections (2), (3), and (5)
10 through (8) of this section authorize and apply to operation of an all-
11 terrain vehicle or a utility-type vehicle only on a highway other than a
12 controlled-access highway with more than two marked traffic lanes.

13 (2) An all-terrain vehicle or a utility-type vehicle may be operated
14 in accordance with the operating requirements of subsection (3) of this
15 section:

16 (a) Outside the corporate limits of a city, village, or
17 unincorporated village if incidental to the vehicle's use for
18 agricultural purposes;

19 (b) Within the corporate limits of a city or village if authorized
20 by the city or village by ordinance adopted in accordance with this
21 section; or

22 (c) Within an unincorporated village if authorized by the county
23 board of the county in which the unincorporated village is located by
24 resolution in accordance with this section.

25 ~~(3)(a) (3) An all-terrain vehicle or a utility-type vehicle may be~~
26 ~~operated as authorized in subsection (2) of this section when such~~
27 ~~operation occurs only between the hours of sunrise and sunset.~~ Any person
1 operating an all-terrain vehicle or a utility-type vehicle as authorized
2 in subsection (2) of this section shall have a valid Class O operator's
3 license or a farm permit as provided in section 60-4,126, shall have
4 liability insurance coverage for the all-terrain vehicle or a utility-
5 type vehicle while operating the all-terrain vehicle or a utility-type
6 vehicle on a highway, and shall not operate such vehicle at a speed in
7 excess of thirty miles per hour. The person operating the all-terrain
8 vehicle or a utility-type vehicle shall provide proof of such insurance
9 coverage to any peace officer requesting such proof within five days of
10 such a request.

11 (b) When operating an all-terrain vehicle or a utility-type vehicle
12 as authorized in subsection (2) of this section, whether at day or night,

13 the headlight and taillight of the vehicle shall be on and the vehicle
14 shall be equipped with a bicycle safety flag which extends not less than
15 five feet above ground attached to the rear of such vehicle. The bicycle
16 safety flag shall be triangular in shape with an area of not less than
17 thirty square inches and shall be day-glow in color.

18 (c) When operating an all-terrain vehicle or a utility-type vehicle
19 as authorized in subsection (2) of this section between the hours of
20 sunrise and sunset, such vehicle shall be equipped with brake and
21 turnsignal lights in good working order.

22 (4) All-terrain vehicles and utility-type vehicles may be operated
23 without complying with subsection (3) of this section on highways in
24 parades which have been authorized by the State of Nebraska or any
25 department, board, commission, or political subdivision of the state.

26 (5) The crossing of a highway other than a controlled-access highway
27 with more than two marked traffic lanes shall be permitted by an all-
28 terrain vehicle or a utility-type vehicle without complying with
29 subsection (3) of this section only if:

30 (a) The crossing is made at an angle of approximately ninety degrees
31 to the direction of the highway and at a place where no obstruction
1 prevents a quick and safe crossing;

2 (b) The vehicle is brought to a complete stop before crossing the
3 shoulder or roadway of the highway;

4 (c) The operator yields the right-of-way to all oncoming traffic
5 that constitutes an immediate potential hazard;

6 (d) In crossing a divided highway, the crossing is made only at an
7 intersection of such highway with another highway; and

8 (e) Both the headlight and taillight of the vehicle are on when the
9 crossing is made.

10 (6) All-terrain vehicles and utility-type vehicles may be operated
11 outside the corporate limits of any municipality by electric utility
12 personnel within the course of their employment in accordance with the
13 operation requirements of subsection (3) of this section, ~~except that the~~
14 ~~operation of the vehicle pursuant to this subsection need not be limited~~
15 ~~to the hours between sunrise and sunset.~~

16 (7) A city or village may adopt an ordinance authorizing the
17 operation of all-terrain vehicles and utility-type vehicles within the
18 corporate limits of the city or village if the operation is in accordance
19 with subsection (3) of this section. The city or village may place other
20 restrictions on the operation of all-terrain vehicles and utility-type
21 vehicles within its corporate limits.

22 (8) A county board may adopt a resolution authorizing the operation
23 of all-terrain vehicles and utility-type vehicles within any
24 unincorporated village within the county if the operation is in
25 accordance with subsection (3) of this section. The county may place
26 other restrictions on the operation of all-terrain vehicles and utility-
27 type vehicles within the unincorporated village.

28 (9) The crossing of a controlled-access highway with more than two
29 marked traffic lanes shall be permitted by a utility-type vehicle if the
30 operation is in accordance with the operation requirements of subsection

31 (3) of this section and if the following requirements are met:
 1 (a) The crossing is made at an intersection that:
 2 (i) Is controlled by a traffic control signal; or
 3 (ii) For any intersection located outside the corporate limits of a
 4 city or village, is controlled by stop signs;
 5 (b) The crossing at such intersection is made in compliance with the
 6 traffic control signal or stop signs; and
 7 (c) The crossing at such intersection is specifically authorized as
 8 follows:
 9 (i) If such intersection is located within the corporate limits of a
 10 city or village, by ordinance of such city or village;
 11 (ii) If such intersection is located within an unincorporated
 12 village, by resolution of the county board of the county in which such
 13 unincorporated village is located; or
 14 (iii) If such intersection is located outside the corporate limits
 15 of a city or village and outside any unincorporated village, by
 16 resolution of the county board of the county in which such intersection
 17 is located.
 18 Sec. 2. Original section 60-6,356, Revised Statutes Cumulative
 19 Supplement, 2016, is repealed.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Lowe name added to LB651.
 Senator Riepe name added to LB702.
 Senator Geist name added to LB1069.
 Senator Watermeier name added to LB1069.
 Senator Hilgers name added to LB1069.
 Senator Clements name added to LB1069.
 Senator Williams name added to LB1069.
 Senator Halloran name added to LB1069.
 Senator Hilgers name added to LR6.

VISITORS

Visitors to the Chamber were Quitin Hartig from Beatrice High School; 6 Seward High School students representing the Fine Arts program; Aaron and Beth Baack from Lincoln, and Susan Baack from Billings, MT; retired members of the Nebraska State Education Association from across the state; and 13 members of the Young Bankers of Nebraska.

The Doctor of the Day was Dr. Josue Gutierrez from Lincoln.

ADJOURNMENT

At 11:45 a.m., on a motion by Senator McDonnell, the Legislature adjourned until 9:00 a.m., Wednesday, February 14, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SEVENTH DAY - FEBRUARY 14, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 14, 2018

PRAYER

The prayer was offered by Senator Walz.

ROLL CALL

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

The roll was called and all members were present except Senator Quick who was excused; and Senators Groene, Hansen, Harr, Kuehn, Lindstrom, Linehan, McCollister, McDonnell, Morfeld, Vargas, Watermeier, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 744. Placed on Final Reading.

LEGISLATIVE BILL 757. Placed on Final Reading.

ST41

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

1. On page 1, line 8, "to provide applicability for certain provisions;" has been inserted after the semicolon.

LEGISLATIVE BILL 758. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 760. Placed on General File.**LEGISLATIVE BILL 1091.** Placed on General File.**LEGISLATIVE BILL 745.** Placed on General File with amendment.

AM1910

1 1. On page 8, line 22, strike "If" and insert "Beginning July 1,2 2020, if".

(Signed) Jim Smith, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Wednesday, February 21, 2018 1:30 p.m.

LB1093

(Signed) Merv Riepe, Chairperson

ANNOUNCEMENT(S)

Senator Thibodeau designates LB948 as her priority bill.

Senator Erdman designates LB829 as his priority bill.

COMMUNICATION

Received communication from the Nebraska Supreme Court regarding the February 13, 2018, meeting of the Judicial Resources Commission.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR314 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR314.

SELECT FILE**LEGISLATIVE BILL 472.** ER98, found on page 404, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 78. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 345. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 486. ER100, found on page 405, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 618. ER102, found on page 408, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 480. ER105, found on page 491, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 310. Senator Harr withdrew his amendments, AM1613, found on page 393 and considered on page 586, and AM1611 and AM1612, found on pages 393 and 394.

Senator Friesen offered his amendment, AM1610, found on page 397.

The Friesen amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 275. ER101, found on page 405, was adopted.

Senator Chambers offered the following motion:

MO216

Bracket until April 18, 2018.

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 42:

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

Present and not voting, 2:

Chambers McDonnell

Excused and not voting, 5:

Groene Morfeld Quick Watermeier Wayne

The Chambers motion to bracket failed with 0 ayes, 42 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO217

Reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 39:

Albrecht	Crawford	Hilkemann	Lowe	Smith
Baker	Ebke	Howard	McCollister	Stinner
Blood	Erdman	Hughes	McDonnell	Thibodeau
Bolz	Friesen	Kolterman	Murante	Vargas
Bostelman	Geist	Kuehn	Pansing Brooks	Walz
Brewer	Halloran	Larson	Riepe	Wayne
Briese	Hansen	Lindstrom	Scheer	Williams
Clements	Hilgers	Linehan	Schumacher	

Present and not voting, 2:

Chambers Kolowski

Absent and not voting, 1:

Wishart

Excused and not voting, 7:

Brasch	Harr	Morfeld	Watermeier
Groene	Krist	Quick	

The Chambers motion to reconsider failed with 0 ayes, 39 nays, 2 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services

Room 1510

Thursday, February 22, 2018 1:30 p.m.

Norman B. Weverka - Commission for the Deaf and Hard of Hearing

(Signed) Merv Riepe, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, February 21, 2018 1:30 p.m.

Roger A. Dixon - Nebraska Tourism Commission
Starr Lehl - Nebraska Tourism Commission
Ashley Olson - Nebraska Tourism Commission
Sarah Sortum - Nebraska Tourism Commission
LB814
LB746
LB807
LB694

Thursday, February 22, 2018 1:30 p.m.

Marty Callahan - Nebraska Accountability and Disclosure Commission
Tom Carlson - Nebraska Accountability and Disclosure Commission
Patrick Guinan - State Personnel Board
LB817
LB839

LB1129
LB1027

Friday, February 23, 2018 1:30 p.m.

Sherry Blaha - State Emergency Response Commission
John Grimes - State Emergency Response Commission
Joseph Oswalt - State Emergency Response Commission
LB1036
LB682
LB969
LB1032

Tuesday, February 27, 2018 1:30 p.m.

Matthew J. DiVito - State Emergency Response Commission
LB1115

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)
Natural Resources

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

Mark Czaplewski - Environmental Quality Council
Rodney K. Gangwish - Environmental Quality Council

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

(Signed) Dan Hughes, Chairperson

SELECT FILE

LEGISLATIVE BILL 275. Senator Chambers offered the following motion:

MO218

Recommit to the Transportation and Telecommunications Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 40:

Albrecht	Crawford	Hilkemann	Linehan	Sinner
Baker	Ebke	Howard	Lowe	Thibodeau
Blood	Friesen	Hughes	McCollister	Vargas
Bolz	Geist	Kolowski	Morfeld	Walz
Bostelman	Groene	Kolterman	Murante	Watermeier
Brewer	Halloran	Kuehn	Pansing Brooks	Wayne
Briese	Hansen	Larson	Scheer	Williams
Clements	Hilgers	Lindstrom	Schumacher	Wishart

Present and not voting, 2:

Chambers Erdman

Excused and not voting, 7:

Brasch	Krist	Quick	Smith
Harr	McDonnell	Riepe	

The Chambers motion to recommit to committee failed with 0 ayes, 40 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO219

Reconsider the motion to recommit to committee.

SPEAKER SCHEER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 36:

Albrecht	Erdman	Hughes	Murante	Watermeier
Baker	Friesen	Kolterman	Pansing Brooks	Wayne
Bolz	Geist	Kuehn	Scheer	Williams
Bostelman	Groene	Linehan	Schumacher	Wishart
Brasch	Halloran	Lowe	Smith	
Brewer	Hansen	McCollister	Thibodeau	
Briese	Hilgers	McDonnell	Vargas	
Clements	Hilkemann	Morfeld	Walz	

Present and not voting, 1:

Kolowski

Absent and not voting, 1:

Lindstrom

Excused and not voting, 10:

Blood	Ebke	Howard	Larson	Riepe
Crawford	Harr	Krist	Quick	Stinner

The Chambers motion to reconsider failed with 1 aye, 36 nays, 1 present and not voting, 1 absent and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator Hughes offered his amendment, AM1638, found on page 484.

Senator Hughes offered the following motion:

MO220

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Hughes moved for a call of the house. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Ebke Howard Quick Riepe Stinner

The Hughes motion to invoke cloture prevailed with 44 ayes, 0 nays, and 5 excused and not voting.

The Hughes amendment, AM1638, was adopted with 45 ayes, 0 nays, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment with 45 ayes, 0 nays, and 4 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 710. Placed on Final Reading.

ST42

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

1. On page 1, line 3, "attorney" has been struck and "attorney's" inserted.
2. On page 3, line 21, an underscored comma has been inserted after "amount"; in line 33 an underscored comma has been inserted after "less"; and in line 23 an underscored comma has been inserted after the first "dollars".

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 784. Placed on General File.

LEGISLATIVE BILL 1024. Placed on General File.

(Signed) Joni Albrecht, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 316. Introduced by Watermeier, 1.

WHEREAS, Kadynce Mullins, an esteemed resident of Nebraska City and a student at Hayward Elementary School, has achieved national recognition for exemplary volunteer service by receiving the 2018 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving communities; and

WHEREAS, Ms. Mullins earned this honor by giving generously of her time and energy to raise \$1,500 for Children's Hospital & Medical Center of Omaha by converting her Radio Flyer wagon into a lollipop stand. Ms. Mullins also shopped, cooked, and collected goods for families staying at the Carolyn Scott Rainbow House, hosted a food drive and a "Queen for the Day" event in her city, participated in Children's Miracle Network fundraisers, and recruited classmates to help make more than two hundred "Get Well" tray liners; and

WHEREAS, the success of the state, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Mullins who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors Kadynce Mullins for receiving the 2018 Prudential Spirit of Community Award.
2. That the Legislature recognizes Ms. Mullins' outstanding record of volunteer service, peer leadership, and community spirit and extends best wishes for her continued success and happiness.
3. That a copy of this resolution be sent to Kadynce Mullins.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB807:

AM1863

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. The Legislature finds and declares:
- 4 (1) In 1864, the United States Congress established the National
- 5 Statuary Hall Collection in the Old Hall of the House of Representatives
- 6 in the United States Capitol and authorized each state to contribute to
- 7 the hall collection two statues that represent important historical
- 8 figures of each state;
- 9 (2) Nebraska currently has on display in the National Statuary Hall
- 10 Collection statues of William Jennings Bryan and Julius Sterling Morton
- 11 given by the State of Nebraska in 1937;
- 12 (3) In 2000, the United States Congress enacted legislation
- 13 authorizing states to request that the Joint Committee on the Library of
- 14 Congress approve the replacement of statues the state had provided for
- 15 display in the hall collection;
- 16 (4)(a) Willa Cather is a significant historical and literary figure
- 17 from Red Cloud, Nebraska;

18 (b) Willa Cather immortalized Nebraska in such works as My Antonia
19 and Oh Pioneers!;
20 (c) Willa Cather won the 1923 Pulitzer Prize for her novel One of
21 Ours; and
22 (d) Willa Cather is worthy of recognition in the National Statuary
23 Hall; and
24 (5)(a) Ponca Chief Standing Bear is a significant historical and
25 civil rights figure from Nebraska's Niobrara River Valley region;
26 (b) Chief Standing Bear's epic return to his Nebraska homeland to
27 bury his son culminated in the historic court case, United States ex rel.
1 Crook v. Standing Bear, which took place in Omaha, Nebraska, in May 1879;
2 (c) The court case set the historic precedent that Chief Standing
3 Bear, as a Native American individual, was found to be a person under the
4 law; and
5 (d) Chief Standing Bear is worthy of recognition in the National
6 Statuary Hall.
7 Sec. 2. The Secretary of State shall submit to the United States
8 Architect of the Capitol for his or her review for completeness a written
9 request to approve the replacement of the statue of Julius Sterling
10 Morton currently on display in the National Statuary Hall Collection in
11 the United States Capitol with a statue of Willa Cather. The written
12 request shall request authorization to provide a new statue, a
13 description of the location in Nebraska where the replaced statue will be
14 displayed after it is transferred, and a copy of the Nebraska statute
15 authorizing such replacement. After such review, it is the intent of the
16 Legislature that the architect forward the request to the Joint Committee
17 on the Library of Congress for its approval or denial. If the request is
18 approved by the committee, the architect and the Willa Cather National
19 Statuary Hall Selection Committee created pursuant to section 3 of this
20 act, acting on behalf of the State of Nebraska, shall enter into an
21 agreement as provided in 2 U.S.C. 2132(b).
22 Sec. 3. (1) The Willa Cather National Statuary Hall Selection
23 Committee is created. The committee shall consist of members of the
24 Nebraska Hall of Fame Commission created pursuant to section 72-724.
25 (2) Upon approval by the Joint Committee on the Library of Congress
26 and pursuant to the agreement described in section 2 of this act, the
27 Willa Cather National Statuary Hall Selection Committee shall:
28 (a) Select a sculptor to create a statue of Willa Cather to be
29 placed in the National Statuary Hall and review and approve the plans for
30 the statue; and
31 (b) Identify a method to obtain necessary funding to pay for all of
1 the following. All funds shall be privately donated and separately
2 managed. No state funds shall be expended for such purposes:
3 (i) The sculptor for designing and carving or casting the statue;
4 (ii) The design and fabrication of the pedestal;
5 (iii) The transportation of the statue and pedestal to the United
6 States Capitol;
7 (iv) The removal and transportation of the replaced statue;
8 (v) The temporary placement of the new statue in the Rotunda of the

9 United States Capitol for the unveiling ceremony;
10 (vi) The unveiling ceremony; and
11 (vii) Any other expenses that the committee determines are necessary
12 to incur.
13 (3) The committee has the authority to receive and disburse gifts.
14 Sec. 4. The Secretary of State shall submit to the United States
15 Architect of the Capitol for his or her review for completeness a written
16 request to approve the replacement of the statue of William Jennings
17 Bryan currently on display in the National Statuary Hall Collection in
18 the United States Capitol with a statue of Ponca Chief Standing Bear. The
19 written request shall request authorization to provide a new statue, a
20 description of the location in Nebraska where the replaced statue will be
21 displayed after it is transferred, and a copy of the Nebraska statute
22 authorizing such replacement. After such review, it is the intent of the
23 Legislature that the architect forward the request to the Joint Committee
24 on the Library of Congress for its approval or denial. If the request is
25 approved by the committee, the architect and the Chief Standing Bear
26 National Statuary Hall Selection Committee created pursuant to section 5
27 of this act, acting on behalf of the State of Nebraska, shall enter into
28 an agreement as provided in 2 U.S.C. 2132(b).
29 Sec. 5. (1) The Chief Standing Bear National Statuary Hall Selection
30 Committee is created. The committee shall consist of (a) a representative
31 of the Commission on Indian Affairs, selected by the chairperson of the
1 commission, (b) a member of the State-Tribal Relations Committee of the
2 Legislature, selected by the chairperson of the committee, (c) the
3 chairperson of the Lincoln Partners for Public Art Development or its
4 successor, and the Historic Preservation Planner of the City of Lincoln.
5 (2) Upon approval by the Joint Committee on the Library of Congress
6 and pursuant to the agreement described in section 4 of this act, the
7 Chief Standing Bear National Statuary Hall Selection Committee shall:
8 (a) Select a sculptor to create a statue of Chief Standing Bear to
9 be placed in the National Statuary Hall and review and approve the plans
10 for the statue; and
11 (b) Identify a method to obtain necessary funding to pay for all of
12 the following. All funds shall be privately donated and separately
13 managed. No state funds shall be expended for such purposes:
14 (i) The sculptor for designing and carving or casting the statue;
15 (ii) The design and fabrication of the pedestal;
16 (iii) The transportation of the statue and pedestal to the United
17 States Capitol;
18 (iv) The removal and transportation of the replaced statue;
19 (v) The temporary placement of the new statue in the Rotunda of the
20 United States Capitol for the unveiling ceremony;
21 (vi) The unveiling ceremony; and
22 (vii) Any other expenses that the committee determines are necessary
23 to incur.
24 (3) The committee has the authority to receive and disburse gifts.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Lowe name added to LB1001.
Senator Briese name added to LB1069

VISITORS

Visitors to the Chamber were members of the Nebraska Speech-Language-Hearing Association including audiologists, speech-language, and pathology students from UNL, UNO, and UNK; Spencer, Lori, Makayla, and Spencer Danner Jr. from Omaha; and Todd Siel and Scott Dicke of the Lower Republican NRD from Alma.

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

ADJOURNMENT

At 11:40 a.m., on a motion by Senator Williams, the Legislature adjourned until 9:00 a.m., Thursday, February 15, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-EIGHTH DAY - FEBRUARY 15, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 15, 2018

PRAYER

The prayer was offered by Pastor Dorothy Smith, United Methodist Church, Humboldt.

ROLL CALL

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

The roll was called and all members were present except Senators Halloran and Riepe who were excused; and Senators Bolz, Briese, Groene, Hansen, Morfeld, Pansing Brooks, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 649, line 18, strike "stuck" and insert "struck".
The Journal for the twenty-seventh day was approved as corrected.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 775. Placed on Select File.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Appropriations

LEGISLATIVE BILL 379. Placed on General File with amendment.

AM1452

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

2 sections:

3 Section 1. The Legislature finds and declares that:

4 (1) Willa Cather is a significant historical and literary figure of

5 Nebraska;

6 (2) There exist many Cather-related properties in Webster County

7 that provide irreplaceable historical value to the ongoing interpretation

8 of the significance of Cather:

9 (3) These properties also spur economic activity by means of
 10 national and international tourism and annual literary conferences; and
 11 (4) It is the intent of the Legislature to preserve these properties
 12 for future generations.

13 Sec. 2. The Willa Cather Historical Building Cash Fund is created.
 14 The fund shall be administered by the Nebraska State Historical Society.
 15 The fund shall consist of any funds appropriated by the Legislature and
 16 money donated as gifts, bequests, or other contributions from public or
 17 private entities. The fund shall be used to preserve and restore the real
 18 property described in section 82-130. Any money in the fund available for
 19 investment shall be invested by the state investment officer pursuant to
 20 the Nebraska Capital Expansion Act and the Nebraska State Funds
 21 Investment Act.

22 Sec. 3. Section 13-2704.01, Revised Statutes Cumulative Supplement,
 23 2016, is amended to read:

24 13-2704.01 (1) The department shall use the fund to provide grants
 25 of assistance for the following purposes:

26 (a) To assist in the construction of new civic centers and
 27 recreation centers or the renovation or expansion of existing civic
 1 centers and recreation centers;

2 (b) To assist in the conversion, rehabilitation, or reuse of
 3 historic buildings; ~~or~~

4 (c) To assist in the preservation and restoration of historic
 5 buildings owned by a nonprofit organization if a contractual relationship
 6 is created between a municipality and the nonprofit organization; or

7 (d) ~~(e)~~ To upgrade community centers, including the demolition of
 8 substandard and abandoned buildings.

9 (2) Applications for grants of assistance pursuant to this section
 10 shall be evaluated by the department pursuant to section 13-2707.

11 Sec. 4. Section 82-129, Reissue Revised Statutes of Nebraska, is
 12 amended to read:

13 82-129 (1) ~~In 1978, the~~ The Nebraska State Historical Society
 14 acquired ~~may acquire~~, without cost to the state, clear title in the name
 15 of the State of Nebraska to ~~all~~ the real and personal property ~~as~~
 16 described in section 82-130 of the Willa Cather Pioneer Memorial and
 17 Educational Foundation, now known as the Willa Cather Foundation, except
 18 the foundation's trust account and investments which ~~are~~ ~~shall be~~
 19 retained by the foundation. The Nebraska State Historical Society may
 20 enter into agreements with the ~~foundation~~ ~~Willa Cather Pioneer Memorial~~
 21 and ~~Educational Foundation~~ for the operation of the Willa Cather Center
 22 and for the real property owned by the State of Nebraska, but the society
 23 shall be responsible for the general administration and continued
 24 maintenance of such property and may accept gifts, grants, and bequests
 25 for such purposes.

26 (2) The Nebraska State Historical Society may enter into an
 27 agreement with the Willa Cather Foundation to transfer clear title of any
 28 properties described in section 82-130 from the State of Nebraska to the
 29 Willa Cather Foundation at no cost to either the society or foundation
 30 other than any property transfer transactional costs to be shared equally
 31 by the parties.

1 (3) In order to carry out any agreements made according to
2 subsection (2) of this section, the Nebraska State Historical Society may
3 dispose of these real properties using the vacant building and excess
4 land process under sections 72-811 to 72-818.

5 Sec. 5. Section 82-130, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 82-130 The real property of the ~~Willa Cather Pioneer Memorial and~~
8 ~~Educational Foundation~~ authorized to be acquired pursuant to section
9 82-129 is more particularly described as follows:

10 (1) The Cather House described as lots 1, 2, and 3, block 24,
11 original town of Red Cloud, Webster County, Nebraska;

12 (2) The Garber Bank described as lot 21, block 31, original town of
13 Red Cloud, Webster County, Nebraska;

14 (3) The Grace Episcopal Church described as lots 19, 20, 21, 22, 23,
15 and 24, block 6, original town, now the city of Red Cloud, Webster
16 County, Nebraska;

17 (4) The St. Juliana Catholic Church described as lots 17, 18, 19,
18 20, 21, and 22, block 3, Railroad addition to the city of Red Cloud,
19 Webster County, Nebraska;

20 (5) The Burlington Depot described as lots 10, 11, 12, and 13, block
21 19, Railroad addition to the city of Red Cloud, Webster County, Nebraska;
22 and

23 (6) The Antonia Farmhouse described as follows: Commencing at the
24 northeast corner of the southeast quarter of section 27, township 4
25 north, range 11 west of the sixth principal meridian, Webster County,
26 Nebraska, thence south 895 feet; thence west 155 feet to the point of
27 beginning; thence west a distance of 90 feet; thence south at a right
28 angle a distance of 137 feet; thence east at a right angle a distance of
29 90 feet; thence north a distance of 137 feet to the point of beginning.

30 Sec. 6. Original sections 82-129 and 82-130, Reissue Revised
31 Statutes of Nebraska, and section 13-2704.01, Revised Statutes Cumulative
1 Supplement, 2016, are repealed.

2 Sec. 7. Since an emergency exists, this act takes effect when
3 passed and approved according to law.

(Signed) John Stinner, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 14, 2018

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 93, 96, 100, 105, 130, 135, 146, 160, 177,
193, 198, 304, 347, 377, 399, 614, 668, and 669 were received in my office
on February 8, 2018.

These bills were signed and delivered to the Secretary of State on February 14, 2018.

Sincerely,
(Signed) Pete Ricketts
Governor

ANNOUNCEMENT(S)

Senator Halloran designates LB1058 as his priority bill.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 14, 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

Kruse Company
Neilan Strategy Group
Madon, Alexi
CompTIA Member Services, LLC
Zulkoski Weber LLC
Nature Conservancy, The
Nelnet, 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>

GENERAL FILE

LEGISLATIVE BILL 838. Title read. Considered.

Pending.

LEGISLATIVE BILL 874. Title read. Considered.

Committee AM1823, found on page 587, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 735. Placed on General File.**LEGISLATIVE BILL 1020.** Placed on General File with amendment.
AM1806

- 1 1. On page 2, line 29, after "indebtedness" insert "attributable to
- 2 any year".
- 3 2. On page 3, line 5, after the comma insert "(i)"; in line 6 strike
- 4 "in any one" and insert "to any"; in lines 7 and 8 strike "outstanding";
- 5 in line 8 strike "remaining"; and in line 9 after "repaid" insert "and
- 6 (ii) the amount of indebtedness from any direct borrowing shall only be
- 7 measured as of the date the ordinance or resolution providing for such
- 8 direct borrowing is adopted".

LEGISLATIVE BILL 95. Indefinitely postponed.**LEGISLATIVE BILL 262.** Indefinitely postponed.**LEGISLATIVE BILL 489.** Indefinitely postponed.**LEGISLATIVE BILL 846.** Indefinitely postponed.**LEGISLATIVE BILL 967.** Indefinitely postponed.**LEGISLATIVE BILL 1085.** Indefinitely postponed.

(Signed) Justin Wayne, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 742. Placed on General File.**LEGISLATIVE BILL 1121.** Placed on General File with amendment.
AM1913

- 1 1. On page 34, line 29; and page 35, lines 14 and 16, strike "2020"
- 2 and insert "2022".
- 3 2. On page 35, lines 1, 3, 18, 20, and 22, strike "effective" and
- 4 insert "operative"; in line 16, strike "one year after"; and in line 24
- 5 strike "2019" and insert "2021".

(Signed) Brett Lindstrom, Chairperson

ANNOUNCEMENT(S)

The Education Committee designates LB1081 as its priority bill.

Senator Kuehn designates LB1130 as his priority bill.

Senator Lindstrom designates LB738 as his priority bill.

The Legislative Performance Audit Committee designates LB935 as its priority bill.

Senator Lowe designates LB389 as his priority bill.

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

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

LB1033
LB1125

(Signed) Mike Groene, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 15, 2018

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Foster Care Advisory Committee:

Noelle Petersen, 6141 Lexington Avenue, Lincoln, NE 68505
Michael Aerni, 2530 E. 21 Street, Fremont, NE 68025

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

(Signed) Sincerely,
Pete Ricketts
Governor

Enclosures

February 15, 2018

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Educational Telecommunications Commission:

Nicholas Baxter, 5609 Jones Street, Omaha, NE 68106

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

RESOLUTION(S)

LEGISLATIVE RESOLUTION 317. Introduced by Brasch, 16.

WHEREAS, Anna Vaughn, a member of Girl Scouts Spirit of Nebraska and a senior at Blair High School, has achieved national recognition for exemplary volunteer service as a Nebraska Distinguished Finalist for the 2018 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Vaughn earned this honor by giving generously of her time and energy to mobilize more than one hundred twenty volunteers to knit more than 1,200 hats for premature babies. After learning that hats issued by the hospital were too large and would fall off, Ms. Vaughn worked with her father to create special looms and distributed kits for making the tiny hats to the volunteers; and

WHEREAS, the success of the state, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Vaughn who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors Anna Vaughn as a Nebraska Distinguished Finalist for the 2018 Prudential Spirit of Community Award.
2. That the Legislature recognizes Ms. Vaughn's outstanding record of volunteer service, peer leadership, and community spirit and extends best wishes for her continued success and happiness.
3. That a copy of this resolution be sent to Anna Vaughn.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to LB1039:
AM1953

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

3 Section 1. Section 76-1416, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 76-1416 (1) A landlord may not demand or receive security, however
6 denominated, in an amount or value in excess of one month's periodic
7 rent, except that a pet deposit for cats or dogs in an amount not in
8 excess of ~~one-fourth~~ of one month's periodic rent may be demanded or
9 received when appropriate. No pet deposit may be demanded for an animal
10 that is a service animal or an assistance animal. This -but this
11 subsection shall not be applicable to housing agencies organized or
12 existing under the Nebraska Housing Agency Act.

13 (2) Upon termination of the tenancy, property or money held by the
14 landlord as prepaid rent and security may be applied to the payment of
15 rent and the amount of damages which the landlord has suffered by reason
16 of the tenant's noncompliance with the rental agreement or section
17 76-1421. The balance, if any, and a written itemization shall be
18 delivered or mailed to the tenant within fourteen days after demand and
19 designation of the location where payment may be made or mailed.

20 (3) If the landlord fails to comply with subsection (2) of this
21 section, the tenant may recover the property and money due him or her and
22 reasonable attorney's fees.

23 (4) This section does not preclude the landlord or tenant from
24 recovering other damages to which he or she may be entitled under the
25 Uniform Residential Landlord and Tenant Act.

26 (5) The holder of the landlord's interest in the premises at the
27 time of the termination of the tenancy is bound by this section.

1 (6) For purposes of this section:

2 (a) Assistance animal means an animal that qualifies as a reasonable
3 accommodation under the federal Fair Housing Act, 42 U.S.C. 3601 et seq.,
4 as such act existed on January 1, 2018; and

5 (b) Service animal has the same meaning as in 28 C.F.R. 36.104, as
6 such section existed on January 1, 2018.

7 Sec. 2. Original section 76-1416, Reissue Revised Statutes of
8 Nebraska, is repealed.

Senator Morfeld filed the following amendment to LB295:
AM1893

(Amendments to Standing Committee amendments, AM1418)

1 1. On page 2, strike beginning with "fulfills" in line 27 through
2 "79-318" in line 29 and insert "meets the same accreditation standards
3 applicable to public schools as established by the State Board of
4 Education pursuant to sections 79-318 and 79-703".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Briese name added to LB299.
Senator Lowe name added to LB299.
Senator Thibodeau name added to LB308.
Senator Brewer name added to LB926.
Senator Wayne name added to LB959.
Senator Erdman name added to LB1052.
Senator Stinner name added to LB1069.
Senator Linehan name added to LB1069.
Senator Kuehn name added to LB1069.

VISITORS

Visitors to the Chamber were Loretta McCoy, Morrill County Treasurer; Davian Jones from Lincoln; and 125 members of Catholics at the Capitol from across the state.

The Doctor of the Day was Dr. Christi Keim from Lincoln.

ADJOURNMENT

At 11:38 a.m., on a motion by Senator Howard, the Legislature adjourned until 9:00 a.m., Tuesday, February 20, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-NINTH DAY - FEBRUARY 20, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 20, 2018

PRAYER

The prayer was offered by Senator Williams.

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 Bolz, Briese, Friesen, Groene, Kuehn, Linehan, Morfeld, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 78. Placed on Final Reading.
LEGISLATIVE BILL 310. Placed on Final Reading.
LEGISLATIVE BILL 345. Placed on Final Reading.
LEGISLATIVE BILL 472. Placed on Final Reading.
LEGISLATIVE BILL 480. Placed on Final Reading.
LEGISLATIVE BILL 486. Placed on Final Reading.
LEGISLATIVE BILL 618. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

LEGISLATIVE BILL 604. Placed on General File with amendment.
AM1934

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

3 Section 1. Sections 1 to 14 of this act shall be known and may be
4 cited as the Nebraska Right to Shop Act.
5 Sec. 2. For purposes of the Nebraska Right to Shop Act:
6 (1) Allowed amount means the contractually agreed upon amount paid
7 by an insurance carrier to a health care entity participating in the
8 insurance carrier's network or the amount the health plan is required to
9 pay under the health plan policy or certificate of insurance for out-of-
10 network covered benefits provided to the patient;
11 (2) Department means the Department of Insurance;
12 (3) Director means the Director of Insurance;
13 (4) Enrollee means an individual receiving health insurance coverage
14 from an insurance carrier;
15 (5) Health care entity means:
16 (a) A facility licensed under the Health Care Facility Licensure
17 Act;
18 (b) A health care professional licensed under the Uniform
19 Credentialing Act; and
20 (c) An organization or association of health care professionals
21 licensed under the Uniform Credentialing Act;
22 (6) Incentive payment means a payment described in section 7 of this
23 act that is made by an insurance carrier to an enrollee;
24 (7) Insurance carrier means any entity that provides health
25 insurance in this state. Insurance carrier includes (a) an insurance
26 company, (b) a fraternal benefit society, (c) a health maintenance
27 organization, and (d) any other entity providing a plan of health
1 insurance or health benefits subject to state insurance regulation;
2 (8) Shared savings incentive payment program means a program
3 established by an insurance carrier pursuant to section 7 of this act to
4 provide incentive payments to enrollees; and
5 (9) Shoppable health care service means a health care service for
6 which an insurance carrier offers incentive payments under a shared
7 savings incentive payment program established by the insurance carrier.
8 Shoppable health care service includes, at a minimum, health care
9 services in the following categories:
10 (a) Physical and occupational therapy services;
11 (b) Obstetrical and gynecological services;
12 (c) Radiology and imaging services;
13 (d) Laboratory services;
14 (e) Infusion therapy;
15 (f) Inpatient or outpatient surgical procedures; and
16 (g) Outpatient nonsurgical diagnostic tests or procedures.
17 Sec. 3. The Nebraska Right to Shop Act shall apply to any insurance
18 carrier that elects to be subject to the act. An insurance carrier making
19 such election shall file a notice of the election with the department.
20 Sec. 4. (1) Prior to a nonemergency admission, procedure, or
21 service and upon request by a patient or prospective patient, a health
22 care entity within the patient's or prospective patient's insurer network
23 shall, within three working days, disclose the allowed amount of the
24 nonemergency admission, procedure, or service, including the amount for

25 any facility fees required, to the patient or prospective patient.
26 (2) Prior to a nonemergency admission, procedure, or service and
27 upon request by a patient or prospective patient, a health care entity
28 outside the patient's or prospective patient's insurer network shall,
29 within three working days, disclose the amount that will be charged for
30 the nonemergency admission, procedure, or service, including the amount
31 for any facility fees required, to the patient or prospective patient.

1 (3) If a health care entity is unable to quote a specific amount
2 under subsection (1) or (2) of this section in advance due to the health
3 care entity's inability to predict the specific treatment or diagnostic
4 code, the health care entity shall disclose what is known for the
5 estimated amount for a proposed nonemergency admission, procedure, or
6 service, including the amount for any facility fees required. A health
7 care entity shall disclose the incomplete nature of the estimate and
8 shall inform the patient or prospective patient of his or her ability to
9 obtain an updated estimate once additional information is determined.

10 (4) If a patient or prospective patient is covered by insurance, a
11 health care entity that participates in an insurance carrier's network
12 shall, upon request of a patient or prospective patient, provide, based
13 on the information available to the health care entity at the time of the
14 request, sufficient information regarding the proposed nonemergency
15 admission, procedure, or service for the patient or prospective patient
16 to receive a cost estimate from his or her insurance carrier to identify
17 out-of-pocket costs, which could be through an insurance carrier's toll-
18 free telephone number or web site. A health care entity may assist a
19 patient or prospective patient in using an insurance carrier's toll-free
20 telephone number or web site.

21 Sec. 5. An insurance carrier shall establish an interactive
22 mechanism on its publicly accessible web site that enables an enrollee to
23 request and obtain from the insurance carrier information on the payments
24 made by the insurance carrier to network providers for health care
25 services. The interactive mechanism must allow an enrollee seeking
26 information about the cost of a particular health care service to compare
27 costs among network providers.

28 Sec. 6. (1) Within two working days of an enrollee's request, an
29 insurance carrier shall provide a good faith estimate of the amount the
30 enrollee will be responsible to pay out-of-pocket for a proposed
31 nonemergency procedure or service that is a medically necessary covered
1 benefit from an insurance carrier's network provider, including any
2 copayment, deductible, coinsurance, or other out-of-pocket amount for any
3 covered benefit, based on the information available to the insurance
4 carrier at the time the request is made.

5 (2) Nothing in this section shall prohibit an insurance carrier from
6 imposing cost-sharing requirements disclosed in the enrollee's
7 certificate of coverage for unforeseen health care services that arise
8 out of the nonemergency procedure or service or for a procedure or
9 service provided to an enrollee that was not included in the original
10 estimate.

11 (3) An insurance carrier shall notify the enrollee that the amounts

12 provided under subsection (1) of this section are estimated costs and
13 that the actual amount the enrollee will be responsible to pay may vary
14 due to unforeseen services that arise out of the proposed nonemergency
15 procedure or service.

16 Sec. 7. (1) An insurance carrier shall develop and implement a
17 shared savings incentive payment program that provides incentive payments
18 for enrollees in a health plan who elect to receive shoppable health care
19 services that are covered by the plan from providers that charge less
20 than the average price paid by that insurance carrier for that shoppable
21 health care service.

22 (2) Incentive payments may be calculated as a percentage of the
23 difference in price, as a flat dollar amount, or by some other reasonable
24 methodology approved by the director. The insurance carrier must provide
25 the incentive payment as a cash payment to the enrollee.

26 (3) The shared savings incentive payment program must provide
27 enrollees with at least fifty percent of the insurance carrier's saved
28 costs for each shoppable health care service or category of shoppable
29 health care service resulting from shopping by enrollees. An insurance
30 carrier is not required to provide an incentive payment or credit to an
31 enrollee when the insurance carrier's saved cost is fifty dollars or
1 less.

2 (4) An insurance carrier shall base the average price on the average
3 amount paid to an in-network provider for the procedure or service under
4 the enrollee's health plan within a reasonable timeframe not to exceed
5 one year. An insurance carrier may determine an alternate methodology for
6 calculating the average price if approved by the director.

7 Sec. 8. An insurance carrier shall make the shared savings
8 incentive payment program available as a component of all health plans
9 offered by the insurance carrier in this state. Annually at enrollment or
10 renewal, an insurance carrier shall provide notice about the availability
11 of the program to any enrollee who is enrolled in a health plan eligible
12 for the program.

13 Sec. 9. Prior to offering the shared savings incentive payment
14 program to any enrollee, an insurance carrier shall file a description of
15 the program with the department in the manner determined by the director.
16 The department may review the filing made by the insurance carrier to
17 determine if the insurance carrier's program complies with the
18 requirements of the Nebraska Right to Shop Act. Filings and any
19 supporting documentation submitted pursuant to this section are
20 confidential until the filing has been reviewed by the department.

21 Sec. 10. If an enrollee elects to receive a shoppable health care
22 service from an out-of-network provider that results in an incentive
23 payment, the insurance carrier shall apply the amount paid for the
24 shoppable health care service toward the enrollee's member cost sharing
25 as specified in the enrollee's health plan as if the health care services
26 were provided by an in-network provider.

27 Sec. 11. An incentive payment made by an insurance carrier in
28 accordance with the Nebraska Right to Shop Act is not an administrative
29 expense of the insurance carrier for rate development or rate filing

30 purposes.

31 Sec. 12. (1) On or before March 31 each year, each insurance
1 carrier shall file with the department the following information for the
2 most recent calendar year:

3 (a) The total number of incentive payments made pursuant to the
4 insurance carrier's shared savings incentive payment program;

5 (b) The use of shoppable health care services by category of service
6 for which incentive payments are made;

7 (c) The total amount of incentive payments made to enrollees;

8 (d) The average amount of incentive payments made by category of
9 shoppable health care service;

10 (e) The total savings achieved below the average prices by category
11 of shoppable health care service; and

12 (f) The total number and percentage of an insurance carrier's
13 enrollees that participated in the shared savings incentive payment
14 program.

15 (2) On or before July 1, 2019, and on or before July 1 of each year
16 thereafter, the department shall electronically submit an aggregate
17 report for all insurance carriers filing the information required by
18 subsection (1) of this section to the Legislature.

19 Sec. 13. (1) The personnel division of the Department of
20 Administrative Services, in its discretion, may develop and implement a
21 program for state employees receiving health insurance coverage under
22 sections 84-1601 to 84-1615 that is similar to the shared savings
23 incentive payment program described in section 7 of this act. If the
24 division develops and implements such a program, the division may use the
25 State Employees Insurance Fund to make incentive payments to state
26 employees pursuant to such program.

27 (2) If a program for state employees is developed and implemented
28 pursuant to this section, then on or before July 1 of each year after
29 implementation of such program, the personnel division of the Department
30 of Administrative Services shall electronically report to the Legislature
31 the following information for the most recent calendar year:

1 (a) The total number of incentive payments made pursuant to the
2 program;

3 (b) The use of shoppable health care services by category of service
4 for which incentive payments are made;

5 (c) The total amount of incentive payments made to state employees;

6 (d) The average amount of incentive payments made by category of
7 shoppable health care service;

8 (e) The total savings achieved below the average prices by category
9 of shoppable health care service; and

10 (f) The total number and percentage of state employees that
11 participated in the program.

12 Sec. 14. The department may adopt and promulgate rules and
13 regulations as necessary to carry out the Nebraska Right to Shop Act.

14 Sec. 15. Section 44-361, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 44-361 No insurance company, by itself or any other party, and no

17 insurance agent or broker, personally or by any other party, shall offer,
18 promise, allow, give, set off, or pay, directly or indirectly, any rebate
19 of, or part of, the premium payable on the policy, or of any policy, or
20 agent's commission thereon, or earnings, profits, dividends, or other
21 benefits founded, arising, accruing or to accrue thereon or therefrom, or
22 any paid employment or contract for service, or for advice of any kind,
23 or any other valuable consideration or inducement to, or for insurance,
24 on any risk authorized to be taken under section 44-201 now or hereafter
25 to be written, which is not specified in the policy contract of
26 insurance; nor shall any such company, agent, or broker, personally or
27 otherwise, offer, promise, give, sell or purchase any stock, bonds,
28 securities or property, or any dividends or profits accruing or to accrue
29 thereon, or other things of value whatsoever, as inducement to insurance
30 or in connection therewith, which is not specified in the policy. No
31 insured person or party shall receive or accept, directly or indirectly,
1 any rebate of premium, or part thereof, or agent's or broker's commission
2 thereon, payable on the policy, or on any policy of insurance, or any
3 favor or advantage or share in the dividends or other benefits to accrue
4 on, or any valuable consideration or inducement not specified in the
5 policy contract of insurance. Extending of interest-free credit on life
6 and liability insurance premiums or interest-free credit on crop hail
7 insurance premiums shall not be a rebate of the premium. Payments made
8 pursuant to the Nebraska Right to Shop Act shall not be considered a
9 rebate of the premium for purposes of this section.

10 Sec. 16. Section 84-1613, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 84-1613 The State Employees Insurance Fund is established. The fund
13 shall be administered by the personnel division of the Department of
14 Administrative Services. All funds appropriated to pay the state's share
15 of the cost of the coverages provided by sections 84-1601 to 84-1615 and
16 all payroll deductions made under sections 84-1601 to 84-1615 shall be
17 credited to the fund. The division shall make premium payments to the
18 carrier, carriers, or combinations of carriers selected under section
19 84-1603 from this fund. The division may also use the fund to make
20 incentive payments to state employees pursuant to section 13 of this act.
21 Any funds in the State Employees Insurance Fund available for
22 investment shall be invested by the state investment officer pursuant to
23 the Nebraska Capital Expansion Act and the Nebraska State Funds
24 Investment Act.

25 On or before October 1, 2001, the State Treasurer shall transfer one
26 million five hundred thousand dollars from the excess state share of life
27 insurance history money of the State Employees Insurance Fund to the
28 Workers' Compensation Claims Revolving Fund.

29 Sec. 17. Original sections 44-361 and 84-1613, Reissue Revised
30 Statutes of Nebraska, are repealed.

(Signed) Brett Lindstrom, Chairperson

ANNOUNCEMENT(S)

Senator Smith designates LB947 as his priority bill.

The Revenue Committee designates LB1090 and LB1089 as its priority bills.

Senator Linehan designates LB295 as her priority bill.

Senator Clements designates LB773 as his priority bill.

Senator Hilkemann designates LB42 as his priority bill.

Senator Scheer designates LB845 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 299. Title read. Considered.

Committee AM1665, found on page 473, was offered.

Pending.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 1123. Indefinitely postponed.

(Signed) Dan Hughes, Chairperson

AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB1090:
AM1704

1 1. On page 5, line 20, strike "thirty-four" and insert "fifty".

Senator Smith filed the following amendment to LB1090:
AM1703

1 1. On page 5, line 20, strike "thirty-four" and insert "fifty".

Senator Smith filed the following amendment to LB1090:
AM1705

(Amendments to Final Reading copy)

1 1. On page 5, line 20, strike "thirty-four" and insert "fifty".

ANNOUNCEMENT(S)

The General Affairs Committee designates LB921 and LB1120 as its priority bills.

The Natural Resources Committee designates LB1008 as its priority bill.

Senator Watermeier designates LB44 as his priority bill.

Senator Larson designates LR1CA as his priority resolution.

The Education Committee designates LB778 as its priority bill.

Senator Hilgers designates LB1119 as his priority bill.

Senator Albrecht designates LB1040 as her priority bill.

The Business and Labor Committee designates LB953 and LB791 as its priority bills.

GENERAL FILE

LEGISLATIVE BILL 299. Senator Crawford offered the following amendment to the committee amendment:

AM1993

(Amendments to Standing Committee amendments, AM1665)

- 1 1. Strike sections 10, 13, 14, and 16 to 18 and insert the following
- 2 new section:
- 3 Sec. 10. Provider means a provider of goods or services engaged in a
- 4 lawful occupation regulated by an occupational board, except that
- 5 provider does not include any regulated health professions as defined in
- 6 section 71-6218 or any health professional groups not previously
- 7 regulated as defined in section 71-6211 except as otherwise specifically
- 8 provided in section 13 of this act.
- 9 2. On page 10, line 16, after the period insert "This section
- 10 applies to regulated health professions as defined in section 71-6218.".
- 11 3. Renumber the remaining sections and correct internal references
- 12 accordingly.

SENATOR HUGHES PRESIDING

Senator Crawford withdrew her amendment.

Pending.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 901. Placed on General File with amendment.

AM1726

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 3-402, Revised Statutes Cumulative Supplement,

4 2016, is amended to read:

5 3-402 As used in sections 3-401 to 3-409, unless the context

6 otherwise requires:

7 ~~(1) Structure means any manmade object which is built, constructed,~~
 8 ~~projected, or erected upon, from, and above the surface of the earth,~~
 9 ~~including, but not limited to, towers, antennas, buildings, wires,~~
 10 ~~cables, and chimneys;~~

11 ~~(1) (2) Meteorological evaluation tower means an anchored structure,~~
 12 ~~including all guy wires and accessory facilities, on which one or more~~
 13 ~~meteorological instruments are mounted for the purpose of meteorological~~
 14 ~~data collection;~~

15 ~~(2) (3) Obstruction means any structure which obstructs the air~~
 16 ~~space required for the flight of aircraft and in the landing and taking~~
 17 ~~off of aircraft at any airport or restricted landing area; and~~

18 ~~(3) (4) Person means any public utility, public district, or other~~
 19 ~~governmental division or subdivision or any person, corporation,~~
 20 ~~partnership, or limited liability company; -~~

21 ~~(4) Structure means any manmade object which is built, constructed,~~
 22 ~~projected, or erected upon, from, and above the surface of the earth,~~
 23 ~~including, but not limited to, towers, antennas, buildings, wires,~~
 24 ~~cables, and chimneys; and~~

25 ~~(5) Terrain flight training area means an area established by the~~
 26 ~~Nebraska National Guard within which military and related flight training~~
 27 ~~is conducted using rotary-wing aircraft and which existed as of the~~
 1 ~~effective date of this act.~~

2 Sec. 2. Section 3-404, Revised Statutes Supplement, 2017, is amended
 3 to read:

4 3-404 ~~(1)~~ The application for the permit, required by section
 5 3-403, shall be made in writing on forms prescribed by the Division of
 6 Aeronautics of the Department of Transportation and shall contain or be
 7 accompanied by details as to the location, construction, height, and
 8 dimensions of the proposed structure, the nature of its intended use, and
 9 such other information as the Director of Aeronautics may require. If the
 10 proposed structure is proposed to be built inside the boundaries of or
 11 within one thousand meters of the boundaries of any terrain flight
 12 training area, the application for a permit shall be accompanied by a
 13 written mitigation agreement between the applicant, the United States
 14 Department of Defense Siting Clearinghouse, and the Nebraska National
 15 Guard.

16 ~~(2)~~ Upon the filing of ~~an such~~ application, the director shall make
 17 an investigation and an aeronautical study of such proposed construction
 18 and its effect, if any, upon air navigation, and the health, welfare, and
 19 safety of the public. In making such investigation and aeronautical study
 20 and making his or her determination under this section, the director
 21 shall consider (a) the character of flying operations expected to be
 22 conducted in the area concerned, (b) the nature of the terrain, (c) the
 23 character of the neighborhood, (d) the uses to which the property
 24 concerned is devoted or adaptable, (e) the proximity to existing
 25 airports, airways, control areas, and control zones, (f) the height of

26 existing adjacent structures, and (g) all the facts and circumstances
 27 existing at the time of application.
 28 (3) If the director, upon such investigation, determines shall
 29 ~~determine~~ that such proposed structure will not constitute a hazard to
 30 air navigation and will not interfere unduly with the public right of
 31 freedom of transit in commerce through the air space affected thereby,
 1 the director shall issue to the applicant a permit, required by section
 2 3-403, authorizing the erection and construction of such structure,
 3 subject to such conditions as to marking and lighting as the division may
 4 prescribe by its rules and regulations, authorized by section 3-407. The
 5 director shall impose only such restrictions or requirements as may be
 6 reasonably necessary to effectuate sections 3-401 to 3-409. If the
 7 director does not so determine, the director shall deny the application.
 8 ~~In making such investigation, aeronautical study, and determination, the~~
 9 ~~director shall consider (1) the character of flying operations expected~~
 10 ~~to be conducted in the area concerned, (2) the nature of the terrain, (3)~~
 11 ~~the character of the neighborhood, (4) the uses to which the property~~
 12 ~~concerned is devoted or adaptable, (5) the proximity to existing~~
 13 ~~airports, airways, control areas, and control zones, (6) the height of~~
 14 ~~existing adjacent structures, and (7) all the facts and circumstances~~
 15 ~~existing. The director shall impose only such restrictions or~~
 16 ~~requirements as may be reasonably necessary to effectuate the purposes of~~
 17 ~~sections 3-401 to 3-409.~~
 18 (4) On or before August 1, 2018, the Nebraska National Guard shall
 19 provide the Division of Aeronautics of the Department of Transportation a
 20 description of the boundaries of the terrain flight training areas by
 21 metes and bounds or an official map that shows the boundaries of the
 22 terrain flight training areas. The description or map shall be used by
 23 the division in its management of the airspace of the State of Nebraska
 24 pursuant to sections 3-401 to 3-409.
 25 Sec. 3. Original section 3-402, Revised Statutes Cumulative
 26 Supplement, 2016, and section 3-404, Revised Statutes Supplement, 2017,
 27 are repealed.

LEGISLATIVE BILL 980. Placed on General File with amendment.
 AM1764

1 1. On page 3, line 22, strike "hay bales" and insert "livestock
 2 forage in bale form".

(Signed) Curt Friesen, Chairperson

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

Room 1507

Tuesday, February 27, 2018 1:30 p.m.

Roger A. Dixon - Nebraska Tourism Commission (rehearing)

(Signed) John Murante, Chairperson

Health and Human Services

Room 1510

Tuesday, February 27, 2018 1:30 p.m.

Department of Health and Human Services Compliance Hearing as required
by Neb. Rev. Stat. Sec. 84-901.01

(Signed) Merv Riepe, Chairperson

AMENDMENT(S) - Print in Journal

Senator Harr filed the following amendments to LB295:

AM1977

(Amendments to Standing Committee amendments, AM1418)

- 1 1. On page 1, line 4; page 2, line 1; page 3, lines 9 and 27; page 24, line 28; page 6, line 6; page 7, line 8; page 8, lines 8 and 14; page 3 10, line 10; page 11, lines 5 and 13; page 14, line 6; page 16, line 31; 4 page 17, line 23; page 18, lines 14 and 31; and page 21, line 25, strike 5 "Opportunity" and insert "Private School".

AM1978

(Amendments to Standing Committee amendments, AM1418)

- 1 1. Strike section 3.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

AM1979

(Amendments to Standing Committee amendments, AM1418)

- 1 1. Strike section 4.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

AM1980

(Amendments to Standing Committee amendments, AM1418)

- 1 1. Strike section 5.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

AM1981

(Amendments to Standing Committee amendments, AM1418)

- 1 1. Strike section 6.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

AM1982

(Amendments to Standing Committee amendments, AM1418)

- 1 1. Strike section 7.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

AM1983

(Amendments to Final Reading copy)

- 1 1. Strike section 8.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

AM1984

(Amendments to Final Reading copy)

- 1 1. Strike section 9.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

AM1985

(Amendments to Final Reading copy)

- 1 1. Strike section 10.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

ANNOUNCEMENT(S)

Senator Hughes designates LB1009 as his priority bill.

The Agriculture Committee designates LB477 and LB808 as its priority bills.

The Urban Affairs Committee designates LB873 as its priority bill.

Senator Wayne designates LB990 as his priority bill.

The State-Tribal Relations Committee designates LB807 as its priority bill.

Senator Brasch designates LB1069 as her priority bill.

The Appropriations Committee designates LB861 as its priority bill.

The Transportation and Telecommunications Committee designates LB994 and LB909 as its priority bills.

Senator Bolz designates LB998 as her priority bill.

Senator Blood designates LB685 as her priority bill.

The Health and Human Services Committee designates LB793 and LB731 as its priority bills.

Senator Riepe designates LB1034 as his priority bill.

MESSAGE(S) FROM THE GOVERNOR

February 16, 2018

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed as the Director of the Division of Medicaid and Long Term Care in the Department of Health and Human Services:

Matthew A. Van Patton, DHA, 301 Centennial Mall South, Lincoln, NE 68509

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosure

GENERAL FILE

LEGISLATIVE BILL 299. Senator Crawford offered the following amendment to the committee amendment:

AM2013

(Amendments to Standing Committee amendments, AM1665)

- 1 1. Strike section 10 and insert the following new section:
- 2 Sec. 10. Provider means a provider of goods or services engaged in a
- 3 lawful occupation regulated by an occupational board, except that
- 4 provider does not include any regulated health professions as defined in
- 5 section 71-6218 or any health professional groups not previously
- 6 regulated as defined in section 71-6211 except as otherwise specifically
- 7 provided in section 15 of this act.
- 8 2. On page 10, line 16, after the period insert "This section
- 9 applies to regulated health professions as defined in section 71-6218.".

SPEAKER SCHEER PRESIDING

Senator Crawford moved for a call of the house. The motion prevailed with 22 ayes, 4 nays, and 23 not voting.

Senator Crawford requested a roll call vote on her amendment.

Voting in the affirmative, 24:

Albrecht	Chambers	Howard	McDonnell	Smith
Baker	Crawford	Kolowski	Pansing Brooks	Thibodeau
Blood	Geist	Krist	Quick	Walz
Bolz	Hansen	Kuehn	Riepe	Watermeier
Brasch	Hilgers	McCollister	Scheer	

Voting in the negative, 10:

Brewer	Ebke	Larson	Morfeld	Schumacher
Briese	Hilkemann	Lowe	Murante	Wayne

Present and not voting, 15:

Bostelman	Friesen	Harr	Lindstrom	Vargas
Clements	Groene	Hughes	Linehan	Williams
Erdman	Halloran	Kolterman	Stinner	Wishart

The Crawford amendment lost with 24 ayes, 10 nays, and 15 present and not voting.

Pending.

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 685. Placed on General File.

(Signed) Merv Riepe, Chairperson

Judiciary

LEGISLATIVE RESOLUTION 269CA. Placed on General File.

LEGISLATIVE BILL 678. Placed on General File with amendment.

AM1928

1 1. Strike section 2.

2 2. On page 2, line 4; and page 3, line 21, after "section" insert

3 "or after the granting of a petition under subsection (5) or (6) of this

4 section".

5 3. On page 4, lines 9 and 14, strike "expunge" and insert "seal"; in

6 line 11 after "attorney" insert "and, if applicable, the city attorney";

7 and in line 12 strike "respondent" and insert "respondents".

8 4. Renumber the remaining sections and amend the repealer
 9 accordingly.

LEGISLATIVE BILL 773. Placed on General File with amendment.
 AM1932

1 1. Strike original section 1 and insert the following new section:
 2 Section 1. Section 28-1310, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 28-1310 (1) A person commits the offense of intimidation by
 5 telephone call or electronic communication if, with intent to ~~terrify,~~
 6 intimidate, threaten, or harass an individual, ~~annoy, or offend,~~ the
 7 person causes significant distress to the individual by telephoning or
 8 transmitting an electronic communication directly to such individual,
 9 whether or not conversation or an electronic response ensues, and the
 10 person:
 11 ~~(a) Telephones another anonymously, whether or not conversation~~
 12 ~~ensues, and disturbs the peace, quiet, and right of privacy of any person~~
 13 ~~at the place where the calls are received; or~~
 14 ~~(a) Uses (b) Telephones another and uses indecent, lewd, lascivious,~~
 15 ~~or obscene language or suggests any obscene indecent, lewd, or lascivious~~
 16 ~~act; or~~
 17 ~~(b) Threatens (c) Telephones another and threatens to inflict~~
 18 ~~physical or mental injury to such individual or any other person or~~
 19 ~~physical injury to the property of such individual or any other person;~~
 20 or
 21 ~~(d) Intentionally fails to disengage the connection; or~~
 22 ~~(c) Attempts (e) Telephones another and attempts to extort money or~~
 23 ~~other thing of value from such individual or any other person.~~
 24 (2) ~~The use of indecent, lewd, or obscene language or the making of~~
 25 ~~a threat or lewd suggestion shall be prima facie evidence of intent to~~
 26 ~~terrify, intimidate, threaten, harass, annoy, or offend.~~
 27 (2) ~~(3)~~ The offense shall be deemed to have been committed either in
 1 the state at the place where the call or electronic communication was
 2 initiated ~~made~~ or where it was received.
 3 ~~(3) (4)~~ Intimidation by telephone call or electronic communication
 4 is a Class III misdemeanor.
 5 (4) For purposes of this section, electronic communication means any
 6 writing, sound, visual image, or data of any nature that is received or
 7 transmitted by an electronic communication device as defined in section
 8 28-833.

LEGISLATIVE BILL 818. Placed on General File with amendment.
 AM1938

1 1. Insert the following new section:
 2 Sec. 3. This act becomes operative on July 1, 2020.
 3 2. Renumber the remaining section accordingly.

(Signed) Laura Ebke, Chairperson

COMMITTEE REPORT(S)

Judiciary

The Judiciary 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.

Layne Gissler - Nebraska Board of Parole

Aye: 6 Baker, Ebke, Hansen, Krist, Morfeld, Pansing Brooks. Nay: 0.
Absent: 1 Halloran. Present and not voting: 1 Chambers.

(Signed) Laura Ebke, Chairperson

ANNOUNCEMENT(S)

Senator Crawford designates LB589 as her priority bill.

Senator Groene designates LB640 as his priority bill.

The Judiciary Committee designates LB841 and LB670 as its priority bills.

Senator Hansen designates LB986 as his priority bill.

Senator Schumacher designates LR269CA as his priority resolution.

Senator McDonnell designates LB913 as his priority bill.

The Government, Military and Veterans Affairs Committee designates LB1015 and LB1065 as its priority bills.

Senator Murante designates LB1115 as his priority bill.

Senator Walz designates LB1113 as her priority bill.

Senator Friesen designates LB1103 as his priority bill.

Senator Bostelman designates LB902 as his priority bill.

Senator Pansing Brooks designates LB158 as her priority bill.

Senator Harr designates LB1108 as his priority bill.

Senator Wishart designates LB989 as her priority bill.

Senator Quick designates LB1132 as his priority bill.

Senator Vargas designates LB194 as his priority bill.

VISITORS

Visitors to the Chamber were members of the Nebraska Wheat Board from across the state; Rony Lopez Luna and Diane Houdek from Dorchester; and 20 members from the League of Women Voters of Nebraska.

ADJOURNMENT

At 11:42 a.m., on a motion by Senator Chambers, the Legislature adjourned until 9:00 a.m., Wednesday, February 21, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTIETH DAY - FEBRUARY 21, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 21, 2018

PRAYER

The prayer was offered by Pastor Ron Drury, Shepherd of the Hills, Hickman.

ROLL CALL

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

The roll was called and all members were present except Senator Krist who was excused; and Senators Friesen, Groene, Hansen, Linehan, Morfeld, Scheer, Smith, Watermeier, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 275. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 874. Placed on Select File with amendment.

ER110

1 1. In the Standing Committee amendments, AM1823, on page 12, line

2 26, strike "which (a)" and insert "(a) which".

3 2. On page 1, strike lines 2 through 9 and insert "15-1301,

4 18-2101.01, 18-2104, 18-2107, 18-2109, 18-2113, 18-2116, 18-2117.01,

5 18-2122, 18-2125, 18-2127, 18-2129, 18-2133, 18-2134, 18-2137, 18-2138,

6 18-2140, 18-2141, 18-2142.01, 18-2143, 18-2144, 18-2145, and 18-2153,

7 Reissue Revised Statutes of Nebraska, sections 13-2610, 18-2101, 18-2103,

8 18-2115, 18-2119, 18-2147, and 77-1704.01, Revised Statutes Cumulative
 9 Supplement, 2016, and sections 17-405.01 and 18-2102.01, Revised Statutes
 10 Supplement, 2017; to change the Community Development Law; to provide for
 11 audits by the Auditor of Public Accounts; to redefine terms; to change
 12 powers and duties of authorities; to change provisions relating to public
 13 hearings and notices; to require certain findings to be documented in
 14 writing; to require studies or analyses as prescribed; to change
 15 provisions relating to a cost-benefit analysis and a report to the
 16 Property Tax Administrator; to require an annual report on tax-increment
 17 financing; to restrict the reimbursement of costs for redevelopment
 18 projects using tax-increment financing as prescribed; to require
 19 retention of certain documents; to change provisions relating to certain
 20 redevelopment contracts, tax-increment financing, and certain property
 21 tax notices and receipts; to harmonize provisions; and to repeal the
 22 original sections."

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)
 Revenue

LEGISLATIVE BILL 966. Placed on General File.
LEGISLATIVE BILL 1090. Placed on General File.

(Signed) Jim Smith, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hilgers filed the following amendment to LB299:
 FA102
 Amend AM1665
 Strike Sections 16-17.

Senator Ebke filed the following amendment to LB299:
 AM2028
 (Amendments to Standing Committee amendments, AM1665)
 1 1. On page 11, strike lines 5 through 24.
 2 2. On page 13, strike lines 2 through 4 and insert the following new
 3 subdivision:
 4 "(e) Prepare a committee memorandum analyzing the proposed
 5 legislation in a timely fashion in order that the committee may review
 6 the memorandum prior to voting on the legislation."
 7 3. On page 14, line 13, strike "in Nebraska".

Senator Watermeier filed the following amendment to LB44:
 AM1822
 1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Sections 1 to 8 of this act shall be known and may be
 4 cited as the Noncollecting Retailer Notice and Reporting Act.

5 Sec. 2. For purposes of the Noncollecting Retailer Notice and
6 Reporting Act:

7 (1) Department means the Department of Revenue;

8 (2) Noncollecting retailer means a retailer that sells taxable items
9 to Nebraska purchasers and does not collect Nebraska sales or use tax. A
10 retailer that does collect Nebraska sales or use tax is not a
11 noncollecting retailer regardless of whether the retailer is obligated to
12 collect the tax or voluntarily collects the tax; and

13 (3) Taxable item means any tangible or intangible property, product,
14 service, or other item that is subject to tax under subsection (1) of
15 section 77-2703.

16 Sec. 3. A noncollecting retailer shall be subject to the
17 Noncollecting Retailer Notice and Reporting Act if:

18 (1) Its total sales of taxable items to Nebraska purchasers exceeded
19 one hundred thousand dollars in the previous or current calendar year; or

20 (2) It sold taxable items to Nebraska purchasers in two hundred or
21 more separate transactions in the previous or current calendar year.

22 Sec. 4. A noncollecting retailer shall notify Nebraska purchasers
23 that sales or use tax is due on purchases of taxable items made from the
24 noncollecting retailer and that the State of Nebraska requires the
25 purchaser to remit any tax due either by filing a sales or use tax return
26 or by paying the tax through the individual income tax return that
27 coincides with the calendar year in which the purchase was made.

1 Sec. 5. (1) A noncollecting retailer shall send a notification to
2 all Nebraska purchasers by January 31 of each year showing the total
3 amount paid by the purchaser for purchases of taxable items made from the
4 noncollecting retailer in the previous calendar year and such other
5 information as the department may require by rule and regulation. The
6 notification shall include, if available, the date of each purchase, the
7 amount of each purchase, and a brief description of the taxable item
8 purchased. The notification shall also include the name of the
9 noncollecting retailer.

10 (2) The notification shall state, in fourteen-point, boldface type,
11 that (a) the State of Nebraska requires sales or use tax to be paid on
12 purchases of taxable items made by the purchaser from the noncollecting
13 retailer, (b) any tax due must be remitted either by filing a sales or
14 use tax return or by paying the tax through the individual income tax
15 return that coincides with the calendar year in which the purchase was
16 made, and (c) any purchaser who fails to remit the tax due shall be
17 subject to penalties under Nebraska law.

18 (3) The notification shall be sent separately to all Nebraska
19 purchasers by first-class mail and shall not be included with any other
20 shipments. The notification shall include the words "Important Tax
21 Document Enclosed" on the exterior of the mailing.

22 (4) A noncollecting retailer that fails to send the notifications
23 required in this section shall be subject to a penalty of ten thousand
24 dollars unless the noncollecting retailer shows reasonable cause for such
25 failure.

26 Sec. 6. (1) A noncollecting retailer shall submit an annual report
27 to the department on such forms as are provided or approved by the
28 department showing the total amount paid by Nebraska purchasers for

29 purchases of taxable items made from the noncollecting retailer in the
30 previous calendar year. The annual report shall be submitted on or before
31 March 1 of each year.

1 (2) The department may require a noncollecting retailer to submit
2 the annual report electronically if the noncollecting retailer's total
3 sales of taxable items to Nebraska purchasers during the previous
4 calendar year exceeded one hundred thousand dollars.

5 (3) A noncollecting retailer that fails to submit the annual report
6 required in this section shall be subject to a penalty of two thousand
7 five hundred dollars unless the noncollecting retailer shows reasonable
8 cause for such failure.

9 Sec. 7. The department may adopt and promulgate rules and
10 regulations to carry out the Noncollecting Retailer Notice and Reporting
11 Act.

12 Sec. 8. The Noncollecting Retailer Notice and Reporting Act
13 terminates on the later of July 1, 2018, or the first day of the first
14 calendar quarter after a controlling court decision or federal
15 legislation abrogates the physical presence requirement of Quill Corp. v.
16 North Dakota, 504 U.S. 298 (1992).

17 Sec. 9. Section 77-2701.13, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 77-2701.13 (1) Engaged in business in this state means any of the
20 following:

21 (a) ~~(4)~~ Maintaining, occupying, or using, permanently or
22 temporarily, directly or indirectly, or through a subsidiary or agent, by
23 whatever name called, an office, place of distribution, sales or sample
24 room or place, warehouse, storage place, or other place of business in
25 this state;

26 (b) ~~(2)~~ Having any representative, agent, salesperson, canvasser, or
27 solicitor operating in this state under the authority of the retailer or
28 its subsidiary for the purpose of selling, delivering, or taking orders
29 for any property;

30 (c) ~~(3)~~ Deriving rentals from a lease of property in this state by
31 any retailer;

1 (d) ~~(4)~~ Soliciting retail sales of property from residents of this
2 state on a continuous, regular, or systematic basis by means of
3 advertising which is broadcast from or relayed from a transmitter within
4 this state or distributed from a location within this state;

5 (e) ~~(5)~~ Soliciting orders from residents of this state for property
6 by mail, if the solicitations are continuous, regular, seasonal, or
7 systematic and if the retailer benefits from any banking, financing, debt
8 collection, or marketing activities occurring in this state or benefits
9 from the location in this state of authorized installation, servicing, or
10 repair facilities;

11 (f) ~~(6)~~ Being owned or controlled by the same interests which own or
12 control any retailer engaged in business in the same or similar line of
13 business in this state; or

14 (g) ~~(7)~~ Maintaining or having a franchisee or licensee operating
15 under the retailer's trade name in this state if the franchisee or
16 licensee is required to collect the tax under the Nebraska Revenue Act of
17 1967.

18 (2)(a) This subsection becomes operative on the later of July 1,
19 2018, or the first day of the first calendar quarter after a controlling
20 court decision or federal legislation abrogates the physical presence
21 requirement of Quill Corp. v. North Dakota, 504 U.S. 298 (1992).
22 (b) A person who lacks a physical presence in this state and who
23 makes retail sales of property to purchasers in this state shall be
24 deemed to be engaged in business in this state if:
25 (i) Such person's total retail sales of property to purchasers in
26 this state exceeded one hundred thousand dollars in the previous or
27 current calendar year; or
28 (ii) Such person made retail sales of property to purchasers in this
29 state in two hundred or more separate transactions in the previous or
30 current calendar year.
31 (c) The Department of Revenue may adopt and promulgate rules and
1 regulations to carry out this subsection.

2 Sec. 10. Section 77-2701.32, Reissue Revised Statutes of Nebraska,
3 is amended to read:

4 77-2701.32 (1) Retailer means any seller.

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

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

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

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

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

19 (e) Every person engaged in the business of providing any service
20 defined in subsection (4) of section 77-2701.16.

21 (3) For the proper administration of the Nebraska Revenue Act of
22 1967, the following persons do not have the duties and responsibilities
23 of a seller for purposes of sales and use taxes:

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

26 (b) Any person who leases or rents railroad rolling stock
27 interchanged pursuant to the provisions of the federal Interstate
28 Commerce Act;

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

5 (d) Any person making sales at a flea market, craft show, fair, or
6 similar event when such person does not have a sales tax permit and has

7 arranged to pay sales taxes collected to the person operating,
8 organizing, or promoting such event.
9 (4)(a) This subsection becomes operative on the later of July 1,
10 2018, or the first day of the first calendar quarter after a controlling
11 court decision or federal legislation abrogates the physical presence
12 requirement of Quill Corp. v. North Dakota, 504 U.S. 298 (1992).
13 (b) The term retailer includes, but is not limited to, a person who
14 lacks a physical presence in this state and who makes retail sales of
15 property to purchasers in this state if:
16 (i) Such person's total retail sales of property to purchasers in
17 this state exceeded one hundred thousand dollars in the previous or
18 current calendar year; or
19 (ii) Such person made retail sales of property to purchasers in this
20 state in two hundred or more separate transactions in the previous or
21 current calendar year.
22 (c) The Department of Revenue may adopt and promulgate rules and
23 regulations to carry out this subsection.
24 Sec. 11. If any section in this act or any part of any section is
25 declared invalid or unconstitutional, the declaration shall not affect
26 the validity or constitutionality of the remaining portions.
27 Sec. 12. Original sections 77-2701.13 and 77-2701.32, Reissue
28 Revised Statutes of Nebraska, are repealed.
29 Sec. 13. Since an emergency exists, this act takes effect when
30 passed and approved according to law.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 315 and 316 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 315 and 316.

MOTION(S) - Confirmation Report(s)

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 626:

Environmental Quality Council
Robert Hall
Lance Hedquist

Voting in the affirmative, 35:

Albrecht	Chambers	Hilkemann	Lowe	Schumacher
Baker	Clements	Howard	McCollister	Stinner
Blood	Ebke	Hughes	McDonnell	Thibodeau
Bolz	Erdman	Kolowski	Murante	Vargas
Bostelman	Geist	Kolterman	Pansing Brooks	Walz
Brasch	Halloran	Kuehn	Quick	Williams
Brewer	Hilgers	Lindstrom	Riepe	Wishart

Voting in the negative, 0.

Present and not voting, 4:

Briese	Crawford	Harr	Larson
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Excused and not voting, 10:

Friesen	Hansen	Linehan	Scheer	Watermeier
Groene	Krist	Morfeld	Smith	Wayne

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

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 626:

Nebraska Environmental Trust Board
Ryan McIntosh

Voting in the affirmative, 35:

Albrecht	Chambers	Hughes	Lowe	Smith
Baker	Clements	Kolowski	McCollister	Stinner
Blood	Erdman	Kolterman	McDonnell	Thibodeau
Bolz	Geist	Kuehn	Murante	Vargas
Bostelman	Halloran	Larson	Pansing Brooks	Walz
Brasch	Hilgers	Lindstrom	Quick	Williams
Brewer	Howard	Linehan	Schumacher	Wishart

Voting in the negative, 0.

Present and not voting, 6:

Briese	Ebke	Hilkemann
Crawford	Harr	Riepe

Excused and not voting, 8:

Friesen	Hansen	Morfeld	Watermeier
Groene	Krist	Scheer	Wayne

The appointment was confirmed with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 646:

Environmental Quality Council
 Mark Czaplewski
 Rodney K. Gangwish

Voting in the affirmative, 35:

Albrecht	Clements	Hughes	McCollister	Schumacher
Baker	Ebke	Kolowski	McDonnell	Stinner
Blood	Geist	Kolterman	Morfeld	Thibodeau
Bostelman	Halloran	Kuehn	Murante	Vargas
Brasch	Hilgers	Lindstrom	Pansing Brooks	Walz
Brewer	Hilkemann	Linehan	Quick	Williams
Chambers	Howard	Low	Riepe	Wishart

Voting in the negative, 0.

Present and not voting, 7:

Bolz	Crawford	Harr	Smith
Briese	Erdman	Larson	

Excused and not voting, 7:

Friesen	Hansen	Scheer	Wayne
Groene	Krist	Watermeier	

The appointments were confirmed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Senator Ebke moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 680:

Nebraska Board of Parole
 Layne Gissler

Voting in the affirmative, 37:

Albrecht	Clements	Kolowski	McDonnell	Stinner
Baker	Ebke	Kolterman	Morfeld	Thibodeau
Blood	Erdman	Kuehn	Murante	Walz
Bolz	Geist	Larson	Pansing Brooks	Williams
Bostelman	Halloran	Lindstrom	Quick	Wishart
Brasch	Hilgers	Linehan	Riepe	
Brewer	Hilkemann	Lowe	Schumacher	
Chambers	Howard	McCollister	Smith	

Voting in the negative, 0.

Present and not voting, 5:

Briese	Crawford	Harr	Hughes	Vargas
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Excused and not voting, 7:

Friesen	Hansen	Scheer	Wayne
Groene	Krist	Watermeier	

The appointment was confirmed with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 439. Title read. Considered.

Committee AM1013, found on page 1113, First Session, 2017, was offered.

Senator Kolterman withdrew his amendment, AM1487, found on page 212.

Senator Kolterman offered the following amendment to the committee amendment:

AM2047

(Amendments to Standing Committee amendments, AM1013)

1 1. Insert the following new section:

2 Sec. 10. Section 71-7611, Revised Statutes Supplement, 2017, is

3 amended to read:

4 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State
 5 Treasurer shall transfer (a) sixty million three hundred thousand dollars
 6 on or before July 15, 2014, (b) sixty million three hundred fifty
 7 thousand dollars on or before July 15, 2015, (c) sixty million three
 8 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty
 9 million seven hundred thousand dollars on or before July 15, 2017, (e)
 10 sixty million seven hundred thousand dollars on or before July 15, 2018,
 11 and (f) sixty million four hundred fifty thousand dollars on or before
 12 every July 15 thereafter from the Nebraska Medicaid Intergovernmental
 13 Trust Fund and the Nebraska Tobacco Settlement Trust Fund to the Nebraska
 14 Health Care Cash Fund, except that such amount shall be reduced by the
 15 amount of the unobligated balance in the Nebraska Health Care Cash Fund

16 at the time the transfer is made. The state investment officer shall
 17 advise the State Treasurer on the amounts to be transferred first from
 18 the Nebraska Medicaid Intergovernmental Trust Fund until the fund balance
 19 is depleted and from the Nebraska Tobacco Settlement Trust Fund
 20 thereafter in order to sustain such transfers in perpetuity. The state
 21 investment officer shall report electronically to the Legislature on or
 22 before October 1 of every even-numbered year on the sustainability of
 23 such transfers. The Nebraska Health Care Cash Fund shall also include
 24 money received pursuant to section 77-2602. Except as otherwise provided
 25 by law, no more than the amounts specified in this subsection may be
 26 appropriated or transferred from the Nebraska Health Care Cash Fund in
 1 any fiscal year.

2 The State Treasurer shall transfer ten million dollars from the
 3 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on
 4 June 28, 2018, and June 28, 2019.

5 It is the intent of the Legislature that no additional programs are
 6 funded through the Nebraska Health Care Cash Fund until funding for all
 7 programs with an appropriation from the fund during FY2012-13 are
 8 restored to their FY2012-13 levels.

9 (2) Any money in the Nebraska Health Care Cash Fund available for
 10 investment shall be invested by the state investment officer pursuant to
 11 the Nebraska Capital Expansion Act and the Nebraska State Funds
 12 Investment Act.

13 (3) The University of Nebraska and postsecondary educational
 14 institutions having colleges of medicine in Nebraska and their affiliated
 15 research hospitals in Nebraska, as a condition of receiving any funds
 16 appropriated or transferred from the Nebraska Health Care Cash Fund,
 17 shall not discriminate against any person on the basis of sexual
 18 orientation.

19 (4) The State Treasurer shall transfer fifty thousand dollars on or
 20 before July 15, 2016, from the Nebraska Health Care Cash Fund to the
 21 Board of Regents of the University of Nebraska for the University of
 22 Nebraska Medical Center. It is the intent of the Legislature that these
 23 funds be used by the College of Public Health for workforce training.

24 (5) It is the intent of the Legislature that the cost of the staff
 25 and operating costs necessary to carry out the changes made by this
 26 legislative bill and not covered by fees or federal funds shall be funded
 27 from the Nebraska Health Care Cash Fund for fiscal years 2018-19 and
 28 2019-20.

29 2. Renumber the remaining section and correct the repealer
 30 accordingly.

The Kolterman amendment was adopted with 35 ayes, 0 nays, 10 present
 and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays,
 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present
 and not voting, and 3 excused and not voting.

COMMITTEE REPORT(S)

Appropriations

LEGISLATIVE BILL 861. Placed on General File with amendment.

AM1946

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

3 Section 1. (1) For purposes of this section:

4 (a) Correctional institution incident means an incident in which a
5 crime or crimes are allegedly committed by one or more inmates confined
6 in a state correctional institution;

7 (b) Costs of prosecution includes, but is not limited to, the costs
8 of defense for indigent defendants, including attorney's fees and expert
9 witness fees; and

10 (c) Threshold amount means the amount of property tax revenue raised
11 by a county from a levy of two and one-half cents per one hundred dollars
12 of taxable valuation of property subject to the levy. The threshold
13 amount shall be determined using valuations for the year in which the
14 correctional institution incident occurred.

15 (2) If a county's costs of prosecution relating to a single
16 correctional institution incident exceed the threshold amount for such
17 county, such costs of prosecution in excess of the threshold amount shall
18 be paid by the State of Nebraska.

19 (3) Any amount to be paid by the state pursuant to subsection (2) of
20 this section shall be paid in the manner provided in the State
21 Miscellaneous Claims Act. The affected county shall file a claim for such
22 amount in the manner provided in such act.

23 (4) This section shall apply to any correctional institution
24 incident occurring on or after May 1, 2015.

25 Sec. 2. Section 81-8,297, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 81-8,297 The State Claims Board shall have the power and authority
1 to receive, investigate, and otherwise carry out its duties with regard
2 to (1) all claims under the State Miscellaneous Claims Act, (2) all
3 claims under sections 25-1802 to 25-1807, (3) all claims under the State
4 Contract Claims Act, (4) all requests on behalf of any department, board,
5 or commission of the state for waiver or cancellation of money or charges
6 when necessary for fiscal or accounting procedures, ~~and~~ (5) all claims
7 filed under section 66-1531, and (6) all claims filed under section 1 of
8 this act. All such claims or requests and supporting documents shall be
9 filed with the Risk Manager and shall be designated by number, name of
10 claimant as requester, and short title. Nothing in this section shall be
11 construed to be a waiver of the sovereign immunity of the state beyond
12 what is otherwise provided by law.

13 The board shall adopt and promulgate such rules and regulations as
14 are necessary to carry out the powers granted in this section. The
15 Attorney General shall be the legal advisor to the board for purposes of
16 this section and may authorize the assistant attorney general in charge
17 of the Claims Division to perform any of his or her duties under this

18 section.

19 Sec. 3. Section 81-8,299, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 81-8,299 The State Claims Board shall, for the purposes contemplated
22 by the State Contract Claims Act, the State Miscellaneous Claims Act, ~~and~~
23 sections 25-1802 to 25-1807 and 66-1531, and section 1 of this act, have
24 the right, power, and duty to (1) administer oaths, (2) compel the
25 attendance of witnesses and the production of books, papers, and
26 documents and issue subpoenas for such purposes, and (3) punish the
27 disobedience of such a subpoena or subpoenas, the refusal of a witness to
28 be sworn or testify, or the failure to produce books, papers, and
29 documents, as required by such subpoena or subpoenas so issued, as
30 contempt, in the same manner as are officers who are authorized to take
31 depositions.

1 Sec. 4. Section 81-8,300.01, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 81-8,300.01 Claims described in subdivisions (4), ~~and (5)~~, and (6)
4 of section 81-8,297 and claims relating to expiration of state warrants
5 shall have no time bar to recovery. Except as provided in section 25-213,
6 all other claims permitted under the State Miscellaneous Claims Act shall
7 be forever barred unless the claim is filed with the Risk Manager within
8 two years after the time the claim accrued.

9 Sec. 5. Section 81-8,301, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 81-8,301 Any award made under the State Contract Claims Act, the
12 State Miscellaneous Claims Act, ~~or~~ section 25-1806 or 66-1531, or section
13 1 of this act and accepted by the claimant shall be final and conclusive
14 on all officers of the State of Nebraska except when procured by means of
15 fraud. The acceptance by the claimant of such award shall be final and
16 conclusive on the claimant and shall constitute a complete release by the
17 claimant of any claim against the state and against the employee of the
18 state whose act or omission gave rise to the claim by reason of the same
19 subject matter.

20 Sec. 6. Original sections 81-8,297, 81-8,299, 81-8,300.01, and
21 81-8,301, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) John Stinner, Chairperson

Urban Affairs

LEGISLATIVE BILL 889. Placed on General File.

LEGISLATIVE BILL 890. Placed on General File.

LEGISLATIVE BILL 709. Placed on General File with amendment.

AM1879

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

2 sections:

3 Section 1. Section 18-1901, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 18-1901 (1) In cities of the metropolitan class, there shall be a
6 plumbing board for the examination of plumbers of eight members. The
7 plumbing board shall consist of an architect licensed to practice in the
8 State of Nebraska and engaged in business in a city of the metropolitan
9 class, a mechanical engineer licensed to practice in the State of
10 Nebraska and engaged in business in a city of the metropolitan class, two
11 journeymen plumbers, two master plumbers, one member of the general
12 public who is not associated with the plumbing business, and a chief
13 health officer who shall serve as a nonvoting member of the board. Such
14 members shall be appointed by the mayor by and with the consent of the
15 city council. A member shall continue to serve until his or her successor
16 has been appointed and qualified.

17 (2) In cities of the primary class, there may be a plumbing board
18 ~~for the examination of plumbers~~ consisting of five members. The plumbing
19 board shall consist of the Director of Building and Safety of the city, a
20 registered professional mechanical engineer licensed to practice in the
21 State of Nebraska and engaged in business in the city, the chief plumbing
22 inspector for the city, one master plumber, and one journeyman plumber.
23 The mechanical engineer, the master plumber, and the journeyman plumber
24 shall be appointed by the mayor by and with the consent of the city
25 council or, in cities having a city manager, by the city manager.

26 (3) In all cities of the first ~~class, cities of the~~ and second
27 ~~class, classes~~ and villages, there may be a plumbing board for the
1 ~~examination of plumbers~~ of not less than four members, consisting of at
2 least one member to be known as the chief health officer of the city or
3 village, one member to be known as the plumbing inspector of the city or
4 village, one journeyman plumber, and one master plumber. The journeyman
5 and master plumbers shall be appointed by the mayor by and with the
6 consent of the city council, by the chairperson by and with the consent
7 of the village board of trustees, or, in cities having a city manager, by
8 the city manager.

9 (4) For purposes of this section, in cities where a city-county
10 health department has been established and is maintained as provided in
11 section 71-1628, chief health officer shall mean the health director of
12 such department.

13 (5) Except for cities of the metropolitan class and primary class
14 ~~classes~~ and as provided in subsection (4) of this section, the chief
15 health officer and plumbing inspector shall be appointed by and hold
16 office during the term of office of the mayor, city manager, or
17 chairperson of the village board of trustees, as the case may be. The
18 terms of office of the journeymen and master plumbers shall be for four
19 ~~three~~ years. Upon expiration of the term of each appointed member,
20 appointments shall be made for succeeding terms by the same process as
21 the previous appointments.

22 (6) The plumbing inspector and journeymen and master plumbers shall
23 be licensed plumbers. The plumbers appointed to the plumbing board in
24 cities of the metropolitan class shall be licensed within such cities.
25 The chief plumbing inspector shall be licensed within such city or
26 village and shall act in a direct advisory capacity to the plumbing

27 board.

28 (7) In cities of the metropolitan class, four voting members of the
29 plumbing board shall constitute a quorum, and in all other cities and
30 villages, three members of the plumbing board shall constitute a quorum.
31 The plumbing board shall organize by selecting a chairperson, and in
1 cities of the metropolitan class a recording secretary shall be furnished
2 to ~~the plumbing~~ such board. The city or village shall make available to
3 the plumbing board a location for the board to meet and conduct business
4 at a time convenient for the members of the board. All vacancies in the
5 plumbing board may be filled by the mayor and city council, city manager,
6 or chairperson and village board of trustees as provided in this section.
7 Any member of the plumbing board may be removed from office for cause by
8 the district court of the county in which such city or village is
9 situated. The governing body of the city or village may require that each
10 member of the plumbing board give bond in the sum of one thousand
11 dollars, conditioned according to law, the cost of which may be paid by
12 such city or village.

13 (8) The plumbing board in a city of the metropolitan class shall
14 maintain a record of all complaints filed in the city regarding
15 violations of the plumbing code and a record of the disposition of each
16 such complaint.

17 (9) If two or more municipalities organize a joint plumbing board
18 pursuant to the Interlocal Cooperation Act, appointments shall be made
19 according to the agreements providing for such joint board and the
20 members of such board shall be residents of such cities or villages or
21 live within the extraterritorial zoning jurisdiction of such cities or
22 villages.

23 Sec. 2. Section 18-1902, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 18-1902 ~~The persons who compose the plumbing board shall, within ten~~
26 ~~days after their appointments, meet in their respective city or village~~
27 ~~building or place designated by the city council, city manager, or~~
28 ~~chairman and board of trustees, and~~ organize by the selection of one of
29 ~~the members~~ their number as chairperson, chairman; and the plumbing
30 inspector shall be the secretary of ~~the said~~ board. It shall be the duty
31 of the secretary to keep full, true, and correct minutes and records of
1 all licenses issued by it, together with their kinds and dates, and the
2 names of the persons to whom issued, in books to be provided by such city
3 or village for that purpose, which books and records shall be open for
4 free inspection by all persons during business hours.

5 Sec. 3. Section 18-1903, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 18-1903 ~~On~~ ~~The appointment of the plumbing board shall be made~~
8 ~~annually, at the first meeting of the city council or chairperson and~~
9 ~~board of trustees, or by the city manager, in August of each year, except~~
10 ~~as provided in section 18-1901. If the city or village has a chief health~~
11 ~~officer or health director and plumbing inspector, then they shall act as~~
12 ~~members of such board ex officio and shall receive no extra compensation,~~
13 ~~except that boards of cities of the primary class shall have members as~~

14 ~~provided in subsection (2) of section 18-1901. If there are no such~~
15 ~~officers in such city or village, then, on being appointed, the members~~
16 ~~of the plumbing board they shall each receive as a salary an amount to be~~
17 ~~determined by the city council or chairperson and village board of~~
18 ~~trustees.~~

19 Sec. 4. Section 18-1904, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 18-1904 The plumbing board shall fix stated times and places of
22 meeting, which times shall not be less than once each year, ~~in every two~~
23 ~~weeks~~ and meetings may be held more often upon written call of the
24 chairperson ~~chairman~~ of the board. The plumbing board shall adopt rules
25 for the examination, at such times and places, of all persons who desire
26 a license to work at the construction or repairing of plumbing within the
27 city or village; and also within the area of the extraterritorial zoning
28 jurisdiction outside the corporate limits of cities of the metropolitan
29 class.

30 Sec. 5. Section 18-1906, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 18-1906 The plumbing board shall have power, and it shall be its
2 duty, to adopt rules and regulations, not inconsistent with the laws of
3 the state or the ordinances of the city or village, for the sanitary
4 construction, alteration, and inspection of plumbing and sewerage
5 connections and drains placed in, or in connection with, any and every
6 building in such city or village, in which it will prescribe the kind and
7 size of materials to be used in such plumbing and the manner in which
8 such work shall be done, which rules and regulations, except such as are
9 adopted for its own convenience only, shall be approved by ordinance by
10 the mayor and city council of such city or by the chairperson and village
11 board of trustees of such village. The plumbing board shall have the
12 power to amend or repeal its rules and regulations, subject, except such
13 as relate to its own convenience only, to the approval of the mayor and
14 city council of such city or chairperson and village board of trustees ~~of~~
15 ~~such village~~. In cities of the metropolitan class, the plumbing board
16 shall have the power, without the approval of the mayor and city council,
17 to grant a variance from the ordinances, rules, and regulations in the
18 kind and size of materials to be used or in the manner in which the work
19 is to be performed. The variance shall apply only to a single building
20 and shall not be considered as a part of the ordinances, rules, and
21 regulations of the plumbing board. If there are practical difficulties or
22 unnecessary hardships in the manner of strictly carrying out such
23 ordinance, the plumbing board shall have the power, in passing upon a
24 variance, to vary or modify the application of any of the regulations or
25 provisions of such ordinance relating to the use, construction, or
26 alteration of buildings or structures or the use of land, so that the
27 intent of the ordinance shall be observed, public safety and welfare
28 secured, and substantial justice done. The plumbing board shall have
29 power to compel the owner or contractor to first submit the plans and
30 specifications for plumbing that is to be placed in any building or
31 adjoining premises to the board for approval before it shall be installed

1 in such building or premises. When an owner or contractor submits a
2 request for a variance, the plumbing board shall charge a reasonable fee,
3 payable to the general fund, as set by the city council or village board
4 of trustees not to exceed twenty-five dollars. The Building Board of
5 Review shall have the authority to hear appeals from the plumbing board
6 in matters regarding variances and interpretation of ordinances, plumbing
7 code changes, rules, and regulations. The Building Board of Review shall
8 adopt rules governing such appeals.

9 Sec. 6. Section 18-1908, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 18-1908 All original licenses may be renewed and all renewal
12 licenses may be renewed by the plumbing board at the dates of their
13 expiration. Such renewal licenses shall be granted, without a
14 reexamination, upon the written application of the licensee filed with
15 the plumbing board and showing that his or her purposes and condition
16 remain unchanged and that he or she has complied with all other
17 applicable regulations required by the city council or village board of
18 trustees. If, unless it is made to appear by affidavit before the
19 plumbing board that the applicant is no longer competent, or entitled to
20 such renewal license, then in which event the renewal license shall not
21 be granted until the applicant has undergone the examination ~~hereinbefore~~
22 required pursuant to sections 18-1901 to 18-1913.

23 Sec. 7. Section 18-1911, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 18-1911 Fees for original and renewal licenses shall be as
26 established by the city council or village board of trustees. All license
27 fees shall be paid to the city treasurer or village treasurer. The fee for
28 the original license of a journeyman plumber shall be one dollar for a
29 one-year license and two dollars for a two-year license. All renewal fees
30 shall be fifty cents for a one-year license and one dollar for a two-year
31 license. All license fees shall be paid, prior to the execution and
1 delivery of the license, to the treasurer of the school district within
2 the city or village for which the license was issued to be used
3 exclusively for the support of the common schools therein.

4 Sec. 8. Section 18-1914, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 18-1914 Any person violating any of the provisions of sections
7 18-1901 to 18-1913, or of any lawful ordinance or rules and regulations,
8 authorized by such sections hereby, shall be deemed guilty of a
9 misdemeanor, and shall be fined not more than five hundred ~~exceeding~~
10 ~~fifty~~ fifty five dollars nor less than fifty five dollars for each and every
11 violation thereof. If such person holds a plumber's license, he or she
12 shall forfeit the same, and it shall be void, and he or she shall not be
13 entitled to another plumber's license for one year after such forfeiture
14 is declared against him or her by the plumbing board.

15 Sec. 9. Original sections 18-1901, 18-1902, 18-1903, 18-1904,
16 18-1906, 18-1908, 18-1911, and 18-1914, Reissue Revised Statutes of
17 Nebraska, are repealed.

(Signed) Justin Wayne, Chairperson

COMMITTEE REPORT(S)
Natural Resources

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

Michelle Bucklin - Environmental Quality Council

Aye: 7 Albrecht, Bostelman, Geist, Hughes, Kolowski, McCollister, Walz.
Nay: 0. Absent: 1 Quick. Present and not voting: 0.

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

Scott L. Cassels - Game and Parks Commission

Aye: 7 Bostelman, Geist, Hughes, Kolowski, McCollister, Quick, Walz.
Nay: 0. Absent: 1 Albrecht. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

ANNOUNCEMENT

Speaker Scheer designates LBs 104, 117, 379, 596, 697, 702, 714, 724, 729, 741, 745, 751, 760, 803, 827, 865, 901, 903, 906, 923, 940, 957, 1091, 1098, and 1121 as Speaker priority bills.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Aerni, Michael - Foster Care Advisory Committee - Health and Human Services

Baxter, Nicholas - Nebraska Educational Telecommunications Commission - Education

Petersen, Noelle - Foster Care Advisory Committee - Health and Human Services

Van Patton, Matthew A. - Director - Division of Medicaid and Long Term Care - Department of Health and Human Services - Health and Human Services

(Signed) Dan Watermeier, Chairperson
Executive Board

GENERAL FILE

LEGISLATIVE BILL 776. Title read. Considered.

Committee AM1687, found on page 470, was offered.

SPEAKER SCHEER PRESIDING

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

The committee amendment was adopted with 33 ayes, 7 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator McCollister offered the following amendment:

AM2018

- 1 1. On page 4, line 3, after the period insert "In determining the
- 2 amount of such reasonable operating costs, the Jail Standards Board may
- 3 consider for comparative purposes the rates set by the Federal
- 4 Communications Commission for inmate calling services pursuant to federal
- 5 law, as such law existed on January 1, 2017."; and in line 5 strike
- 6 "commission or bonus payment" and insert "excessive commissions and bonus
- 7 payments, including, but not limited to, awards paid to a county".
- 8 2. On page 6, line 17, after the period insert "In determining the
- 9 amount of such reasonable operating costs, the Jail Standards Board may
- 10 consider for comparative purposes the rates set by the Federal
- 11 Communications Commission for inmate calling services pursuant to federal
- 12 law, as such law existed on January 1, 2017."; and in line 19 strike
- 13 "commission or bonus payment" and insert "excessive commissions and bonus
- 14 payments, including, but not limited to, awards paid to a city".

Pending.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 42. Placed on General File with amendment.

AM1965

- 1 1. Insert the following new section:
- 2 Sec. 4. This act becomes operative on January 1, 2019.
- 3 2. On page 2, strike beginning with the first "the" in line 23
- 4 through "available" in line 24 and insert "a seat or seats, other than a
- 5 front seat, if such seat or seats are so equipped with such passenger
- 6 restraint system and such seat or seats are not already occupied by a
- 7 child or children under eight years of age"; in line 26 after
- 8 "manufacturer's" insert "maximum allowable"; and in line 27 strike
- 9 "requirements".
- 10 3. Renumber the remaining section accordingly.

(Signed) Curt Friesen, Chairperson

Education

LEGISLATIVE BILL 1081. Placed on General File.

LEGISLATIVE BILL 912. Placed on General File with amendment.
AM1597

1 1. On page 2, strike lines 8 through 12 and insert the following new
2 subsection:

3 "(2) The State Department of Education may contract with an
4 appropriate entity to create a poster containing at least such toll-free
5 telephone number and appropriate language for posting in schools. The
6 entity with which the department contracts shall display the poster on
7 its web site in a format that can be downloaded from such web site."

LEGISLATIVE BILL 917. Placed on General File with amendment.
AM1666

1 1. On page 2, line 12, after "but" insert "is of insufficient clock,
2 semester, or quarter hours to be eligible for Federal Pell Grants and".

(Signed) Mike Groene, Chairperson

General Affairs

LEGISLATIVE BILL 984. Placed on General File.

(Signed) Tyson Larson, Chairperson

COMMITTEE REPORT(S)

Transportation and Telecommunications

The Transportation and Telecommunications 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.

Eric Bigler - Motor Vehicle Industry Licensing Board

Aye: 8 Bostelman, Briese, Friesen, Geist, Hilgers, Hughes, Murante, Smith.
Nay: 0. Absent: 0. Present and not voting: 0.

The Transportation and Telecommunications 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.

Barbara J. Keegan - Board of Public Roads Classifications and Standards
James Litchfield - Board of Public Roads Classifications and Standards

Mick Syslo - Board of Public Roads Classifications and Standards
Edward R. Wootton Sr. - Board of Public Roads Classifications and Standards

Aye: 8 Bostelman, Briese, Friesen, Geist, Hilgers, Hughes, Murante, Smith.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Curt Friesen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to LB157:
AM1906

1 1. Insert the following new section:
2 Sec. 4. Section 86-324, Revised Statutes Supplement, 2017, is
3 amended to read:
4 86-324 (1) The Nebraska Telecommunications Universal Service Fund is
5 hereby created. The fund shall provide the assistance necessary to make
6 universal access to telecommunications services available to all persons
7 in the state consistent with the policies set forth in the Nebraska
8 Telecommunications Universal Service Fund Act. Only eligible
9 telecommunications companies designated by the commission shall be
10 eligible to receive support to serve high-cost areas from the fund. A
11 telecommunications company that receives such support shall use that
12 support only for the provision, maintenance, and upgrading of facilities
13 and services for which the support is intended. Any such support should
14 be explicit and sufficient to achieve the purpose of the act.
15 (2) Notwithstanding the provisions of section 86-124, in addition to
16 other provisions of the act, and to the extent not prohibited by federal
17 law, the commission:
18 (a) Shall have authority and power to subject eligible
19 telecommunications companies to service quality, customer service, and
20 billing regulations. Such regulations shall apply only to the extent of
21 any telecommunications services or offerings made by an eligible
22 telecommunications company which are eligible for support by the fund.
23 The commission shall be reimbursed from the fund for all costs related to
24 drafting, implementing, and enforcing the regulations and any other
25 services provided on behalf of customers pursuant to this subdivision;
26 (b) Shall have authority and power to issue orders carrying out its
27 responsibilities and to review the compliance of any eligible
1 telecommunications company receiving support for continued compliance
2 with any such orders or regulations adopted pursuant to the act;
3 (c) May withhold all or a portion of the funds to be distributed
4 from any telecommunications company failing to continue compliance with
5 the commission's orders or regulations;
6 (d) Shall require every telecommunications company to contribute to
7 any universal service mechanism established by the commission pursuant to
8 state law, which may include a connection-based contribution mechanism.
9 The commission shall require, as reasonably necessary, an annual audit of

10 any telecommunications company to be performed by a third-party certified
 11 public accountant to insure the billing, collection, and remittance of a
 12 surcharge for universal service. The costs of any audit required pursuant
 13 to this subdivision shall be paid by the telecommunications company being
 14 audited. For purposes of this subdivision: ;

15 (i) Connection-based contribution mechanism means a fixed or flat
 16 rate surcharge assessed on a per-connection basis;

17 (ii) Connection means any form of technology used to provide an end
 18 user with access to an assessable service; and

19 (iii) Assessable service means any service subject to a contribution
 20 obligation to the fund;

21 (e) Shall require an audit of information provided by a
 22 telecommunications company to be performed by a third-party certified
 23 public accountant for purposes of calculating universal service fund
 24 payments to such telecommunications company. The costs of any audit
 25 required pursuant to this subdivision shall be paid by the
 26 telecommunications company being audited; and

27 (f) May administratively fine pursuant to section 75-156 any person
 28 who violates the Nebraska Telecommunications Universal Service Fund Act.

29 (3) Any money in the fund available for investment shall be invested
 30 by the state investment officer pursuant to the Nebraska Capital
 31 Expansion Act and the Nebraska State Funds Investment Act, and for the
 1 period July 1, 2017, through June 30, 2019, any interest earned by the
 2 fund shall be credited to the General Fund.

3 2. On page 4, line 16, after "(c)" insert "(i)" and strike "(i)" and
 4 insert "(A)"; in line 18 strike "(ii)" and insert "(B)"; and in line 20
 5 strike the period and insert "; or

6 (ii) If the Public Service Commission has certified to the
 7 Department of Revenue that it has established a connection-based
 8 contribution mechanism as defined in subdivision (2)(d) of section 86-324
 9 for surcharges allocated to the Nebraska Telecommunications Universal
 10 Service Fund pursuant to section 86-324, the percentage obtained by
 11 dividing (A) the amount of the surcharge certified by the commission by
 12 (B) fifty."

13 3. Renumber the remaining sections and correct the repealer
 14 accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 318. Introduced by Scheer, 19.

WHEREAS, on Saturday, March 3, 2018, the NEBRASKAland Foundation will present the Distinguished NEBRASKAlander Award to three honorees at the annual Statehood Day Dinner held in the Nebraska State Capitol; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to Clark A. Kolterman, who is a resident of Seward and who became an educator after over twenty years as a small business owner. He has a bachelor's degree from the University of Nebraska at Kearney and two

master's degrees from Concordia University in Seward. Mr. Kolterman has held leadership roles in nearly two dozen community and state organizations and has received multiple state and national recognitions for his teaching excellence and community service. He has spent much of his adult life promoting his community, this state, and our nation through various activities, including Seward's Fourth of July Celebration, an event he helped originate in 1969, which has received multiple state and national awards; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to James B. Milliken, who is a native of Fremont. Mr. Milliken has a bachelor's degree from the University of Nebraska-Lincoln and a law degree from New York University. He has held leadership positions at several major universities, including serving as president of the University of Nebraska for ten years. In June, 2014, he became chancellor of The City University of New York, the third-largest public university in the United States. During his presidency at the University of Nebraska, a number of major initiatives were successfully launched, including significant facility improvements and expansions on all of the campuses in the university system. In addition, he promoted multiple areas of research excellence, such as the Robert B. Daugherty Water for Food Global Institute, which is recognized internationally for its expertise in helping find innovative ways to feed the world; and

WHEREAS, a Distinguished NEBRASKAlander Award will be presented to E. Benjamin Nelson, who is a native of McCook. Senator Nelson earned his bachelor's, master's, and law degrees from the University of Nebraska-Lincoln. He began his career as a state insurance regulator and subsequently held multiple positions as an insurance industry executive. In 1990, he was elected to his first of two terms as the Governor of Nebraska. In 2000, he was elected to his first of two terms as a United States Senator. He was a strong advocate for renewable fuels during his years as Governor and Senator and helped promote policies which contributed to Nebraska having the second largest biofuels industry in the nation. As a U.S. Senator, he provided critical leadership supporting the U.S. Strategic Command headquartered at Offutt Air Force Base. Following his 20 years in public office, he became the chief executive officer of the National Association of Insurance Commissioners until stepping down in 2016.

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

1. That the Legislature congratulates the recipients of the Distinguished NEBRASKAlander Award and extends its appreciation for their service to the State of Nebraska.

2. That a copy of this resolution be sent to Clark A. Kolterman, James B. Milliken, and E. Benjamin Nelson.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Briese name added to LB308.

Senator Geist name added to LB993.

Senator Hughes name added to LB1069.

Senator Lindstrom name added to LB1069.

Senator Riepe name added to LB1069.

Senator Friesen name added to LB1069.

VISITORS

Visitors to the Chamber were 16 members of the Beatrice Leadership group; class and committee members of Leadership York; 44 twelfth-grade government class students and teacher from Syracuse; Amber and Annabelle Bogle from Bennet; Patti Brownlee, Linda Springsted, Marcia O'Donovan, and Judy Nelson from Omaha; 51 fourth-grade students, teachers, and sponsors from Bryan Elementary, Lexington; 7 board members of the Elkhorn Rural Public Power District; and former Senator Richard Fellman, his son, daughter-in-law, and grandchildren, Rabbi Daniel, Melissa, Zachary, and Jacob Fellman from Syracuse, NY, and granddaughter, Gabby Witkowski, from Omaha.

The Doctor of the Day was Dr. John Brady from La Vista.

ADJOURNMENT

At 11:51 a.m., on a motion by Senator Schumacher, the Legislature adjourned until 9:00 a.m., Thursday, February 22, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIRST DAY - FEBRUARY 22, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 22, 2018

PRAYER

The prayer was offered by Pastor Bobby Johnston, Freedom Baptist Church, Stamford.

ROLL CALL

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

The roll was called and all members were present except Senator Kolowski who was excused; and Senators Friesen, Hansen, Larson, Linehan, Morfeld, Thibodeau, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 957. Placed on General File with amendment.
AM1952

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 48-125, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:
5 48-125 (1) (1)(a) Except as hereinafter provided, all amounts of
6 compensation payable under the Nebraska Workers' Compensation Act shall
7 be payable periodically in accordance with the methods of payment of
8 wages of the employee at the time of the injury or death or by a method
9 of payment as provided in subsection (2) of this section. Such payments
10 shall be sent directly to the person entitled to compensation or his or
11 her designated representative except as otherwise provided in section
12 48-149 or subsection (2) of this section.
13 (2)(a) Upon agreement between the employer, workers' compensation
14 insurer, or risk management pool and the employee or other person
15 entitled to compensation, payment may be made periodically or in a lump

16 sum to the employee or other person entitled to compensation by check or
17 by direct deposit, prepaid card, or similar electronic payment system.
18 Such agreement shall include notice that payment made by direct deposit
19 or similar electronic payment system is subject to attachment or
20 garnishment pursuant to section 48-149. Such compensation may be
21 transferred by electronic funds transfer or other electronic means to the
22 trust account of an attorney representing the employee or other person
23 entitled to compensation, for the benefit of such employee or other
24 person.

25 (b) If an employer, workers' compensation insurer, or risk
26 management pool imposes any fees or other charges relating to payment by
27 direct deposit, prepaid card, or a similar electronic payment system, the
1 employer, workers' compensation insurer, or risk management pool shall
2 disclose such fees or charges to the employee or other person entitled to
3 compensation.

4 (c) A prepaid card offered by the employer, workers' compensation
5 insurer, or risk management pool shall:

6 (i) Allow the employee or other person entitled to compensation to
7 apply, initiate, transfer, and load payments with no charge by the
8 employer, workers' compensation insurer, or risk management pool;

9 (ii) For the initial prepaid card, be distributed or delivered to
10 the employee or other person entitled to compensation with no charge by
11 the employer, workers' compensation insurer, or risk management pool; and

12 (iii) Provide the employee or other person entitled to compensation,
13 with respect to each payment made to the prepaid card in accordance with
14 this subsection, at least one method of accessing the full payment
15 without fees.

16 (d) An employee or other person entitled to compensation may elect
17 at any time to rescind the agreement under subdivision (2)(a) of this
18 section regarding the method of payment. If such election is made and a
19 new agreement under subdivision (2)(a) of this section is not reached,
20 the employer, workers' compensation insurer, or risk management pool
21 shall change the method of payment to the method of payment of wages of
22 the employee at the time of the injury or death under subsection (1) of
23 this section as soon as practicable and in a manner that allows the
24 employer, workers' compensation insurer, or risk management pool to
25 comply with the requirements of subsection (3) of this section without
26 making a delinquent payment. The employer, workers' compensation insurer,
27 or risk management pool is not required to rescind any payment
28 transaction already made or made to comply with subsection (3) of this
29 section.

30 (e) An employer, workers' compensation insurer, or risk management
31 pool or its agent shall not engage in unfair, deceptive, or abusive
1 practices in relation to the method of payment. No employer, workers'
2 compensation insurer, risk management pool, or agent shall discharge,
3 penalize, or in any other manner discriminate against any employee or
4 other person entitled to compensation because such employee or other
5 person has not consented to receive payments by check or by direct
6 deposit, prepaid card, or a similar electronic payment system.

7 (f) An employer, workers' compensation insurer, or risk management
8 pool that elects to make payment using a prepaid card shall comply with

9 the requirements of 12 C.F.R. part 1005, as such part existed on April 1,
10 2018.

11 ~~(3)~~ ~~(b)~~ Fifty percent shall be added for waiting time for all
12 delinquent payments after thirty days' notice has been given of
13 disability or after thirty days from the entry of a final order, award,
14 or judgment of the Nebraska Workers' Compensation Court, except that for
15 any award or judgment against the state in excess of one hundred thousand
16 dollars which must be reviewed by the Legislature as provided in section
17 48-1,102, fifty percent shall be added for waiting time for delinquent
18 payments thirty days after the effective date of the legislative bill
19 appropriating any funds necessary to pay the portion of the award or
20 judgment in excess of one hundred thousand dollars.

21 ~~(4)(a)~~ ~~(2)(a)~~ Whenever the employer refuses payment of compensation
22 or medical payments subject to section 48-120, or when the employer
23 neglects to pay compensation for thirty days after injury or neglects to
24 pay medical payments subject to such section after thirty days' notice
25 has been given of the obligation for medical payments, and proceedings
26 are held before the compensation court, a reasonable attorney's fee shall
27 be allowed the employee by the compensation court in all cases when the
28 employee receives an award. Attorney's fees allowed shall not be deducted
29 from the amounts ordered to be paid for medical services nor shall
30 attorney's fees be charged to the medical providers.

31 (b) If the employer files an appeal from an award of a judge of the
1 compensation court and fails to obtain any reduction in the amount of
2 such award, the Court of Appeals or Supreme Court shall allow the
3 employee a reasonable attorney's fee to be taxed as costs against the
4 employer for such appeal.

5 (c) If the employee files an appeal from an order of a judge of the
6 compensation court denying an award and obtains an award or if the
7 employee files an appeal from an award of a judge of the compensation
8 court when the amount of compensation due is disputed and obtains an
9 increase in the amount of such award, the Court of Appeals or Supreme
10 Court may allow the employee a reasonable attorney's fee to be taxed as
11 costs against the employer for such appeal.

12 (d) A reasonable attorney's fee allowed pursuant to this subsection
13 shall not affect or diminish the amount of the award.

14 ~~(5)~~ ~~(3)~~ When an attorney's fee is allowed pursuant to this section,
15 there shall further be assessed against the employer an amount of
16 interest on the final award obtained, computed from the date compensation
17 was payable, as provided in section 48-119, until the date payment is
18 made by the employer. For any injury occurring prior to August 30, 2015,
19 the interest rate shall be equal to the rate of interest allowed per
20 annum under section 45-104.01, as such rate may from time to time be
21 adjusted by the Legislature. For any injury occurring on or after August
22 30, 2015, the interest rate shall be equal to six percentage points above
23 the bond investment yield, as published by the Secretary of the Treasury
24 of the United States, of the average accepted auction price for the first
25 auction of each annual quarter of the twenty-six-week United States
26 Treasury bills in effect on the date of entry of the judgment. Interest
27 shall apply only to those weekly compensation benefits awarded which have
28 accrued as of the date payment is made by the employer. If the employer

29 pays or tenders payment of compensation, the amount of compensation due
 30 is disputed, and the award obtained is greater than the amount paid or
 31 tendered by the employer, the assessment of interest shall be determined
 1 solely upon the difference between the amount awarded and the amount
 2 tendered or paid.

3 (6) For purposes of this section:

4 (a) Direct deposit means the transfer of payments into an account of
 5 a financial institution chosen by the employee or other person entitled
 6 to compensation; and

7 (b) Prepaid card means a prepaid debit card that provides access to
 8 an account with a financial institution established directly or
 9 indirectly by the employer, workers' compensation insurer, or risk
 10 management pool to which payments are transferred.

11 Sec. 2. Original section 48-125, Revised Statutes Cumulative
 12 Supplement, 2016, is repealed.

(Signed) Joni Albrecht, Chairperson

Agriculture

LEGISLATIVE BILL 766. Placed on General File.

(Signed) Lydia Brasch, Chairperson

COMMITTEE REPORT(S)

Agriculture

The Agriculture 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.

Richard (Rick) Rasby - Climate Assessment Response Committee

Aye: 8 Albrecht, Blood, Brasch, Chambers, Halloran, Krist, Lowe,
 Thibodeau. Nay: 0. Absent: 0. Present and not voting: 0.

The Agriculture 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.

Carl Sousek - Climate Assessment Response Committee

Aye: 8 Albrecht, Blood, Brasch, Chambers, Halloran, Krist, Lowe,
 Thibodeau. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Lydia Brasch, Chairperson

SELECT FILE

LEGISLATIVE BILL 743. ER107, found on page 524, was adopted.

Senator Lindstrom offered his amendment, AM1875, found on page 623.

The Lindstrom amendment was adopted with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

Senator Harr offered the following amendment:

AM2066

1 1. Insert the following new sections:

2 Sec. 28. Section 44-8601, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 44-8601 Sections 44-8601 to 44-8604 and sections 30 to 33 of this
5 act shall be known and may be cited as the Insured Homeowners Protection
6 Act.

7 Sec. 29. Section 44-8602, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 44-8602 For purposes of the Insured Homeowners Protection Act:

10 (1) Residential contractor means a person in the business of
11 contracting or offering to contract with an owner or possessor of
12 residential real estate to:

13 (a) Repair ~~repair~~ or replace a roof system or perform any other
14 exterior repair, replacement, construction, or reconstruction work on
15 residential real estate; ~~or~~

16 (b) Perform ~~perform~~ interior or exterior cleanup services on
17 residential real estate;

18 (c) Arrange for, manage, or process the work referred to in
19 subdivision (1)(a) or (b) of this section; or

20 (d) Serve as a representative, agent, or assignee of the owner or
21 possessor of residential real estate;

22 (2) Residential real estate means a new or existing building,
23 including a detached garage, constructed for habitation by at least one
24 but no more than four families; and

25 (3) Roof system means and includes roof coverings, roof sheathing,
26 roof weatherproofing, and insulation.

27 Sec. 30. (1) A post-loss assignment of rights or benefits to a
1 residential contractor under a property and casualty insurance policy
2 insuring residential real estate shall comply with the following:

3 (a) The assignment may authorize a residential contractor to be
4 named as a copayee for the payment of benefits under a property and
5 casualty insurance policy covering residential real estate;

6 (b) The assignment shall be provided to the insurer of the
7 residential real estate within five business days after execution;

8 (c) The assignment shall include a statement that the residential
9 contractor has made no assurances that the claimed loss will be fully
10 covered by an insurance contract and shall include the following notice
11 in capitalized fourteen-point type:

12 YOU ARE AGREEING TO ASSIGN CERTAIN RIGHTS YOU HAVE UNDER YOUR
13 INSURANCE POLICY. WITH AN ASSIGNMENT, THE RESIDENTIAL CONTRACTOR SHALL BE
14 ENTITLED TO PURSUE ANY RIGHTS OR REMEDIES THAT YOU, THE INSURED
15 HOMEOWNER, HAVE UNDER YOUR INSURANCE POLICY. PLEASE READ AND UNDERSTAND
16 THIS DOCUMENT BEFORE SIGNING.

17 THE INSURER MAY ONLY PAY FOR THE COST TO REPAIR OR REPLACE DAMAGED
18 PROPERTY CAUSED BY A COVERED PERIL, SUBJECT TO THE TERMS OF THE POLICY.

19 (d) The assignment shall not impair the interest of a mortgagee

20 listed on the declarations page of the property and casualty insurance
21 policy which is the subject of the assignment; and
22 (e) The assignment shall not prevent or inhibit an insurer from
23 communicating with the named insured or mortgagee listed on the
24 declarations page of the property and casualty insurance policy that is
25 the subject of the assignment.
26 (2) The Department of Insurance shall strictly enforce the
27 provisions of subdivision (13) of section 44-1540, which requires
28 insurers to provide a named insured a reasonable and accurate explanation
29 of the basis for the denial of a claim or an offer of a compromise
30 settlement.
31 Sec. 31. Prior to commencement of repair or replacement work, a
1 residential contractor shall furnish the insured and insurer with an
2 itemized description of the work to be done and the materials, labor, and
3 fees for repair or replacement of the damaged residential real estate and
4 the total itemized amount agreed to be paid for the work to be performed,
5 except that the description shall not limit the insured or residential
6 contractor from identifying other goods and services necessary to
7 complete repairs or replacement associated with a covered loss.
8 Sec. 32. Any written contract, repair estimate, or work order
9 prepared by a residential contractor to provide goods or services to be
10 paid from the proceeds of a property and casualty insurance policy shall
11 include the following notice of the prohibition contained in section
12 44-8604 in capitalized fourteen-point type which shall be signed by the
13 named insured and sent to the named insured's insurer prior to payment of
14 proceeds under the applicable insurance policy:
15 IT IS A VIOLATION OF THE INSURANCE LAWS OF NEBRASKA TO REBATE ANY
16 PORTION OF AN INSURANCE DEDUCTIBLE AS AN INDUCEMENT TO THE INSURED TO
17 ACCEPT A RESIDENTIAL CONTRACTOR'S PROPOSAL TO REPAIR DAMAGED PROPERTY.
18 REBATE OF A DEDUCTIBLE INCLUDES GRANTING ANY ALLOWANCE OR OFFERING ANY
19 DISCOUNT AGAINST THE FEES TO BE CHARGED FOR WORK TO BE PERFORMED OR
20 PAYING THE INSURED HOMEOWNER THE DEDUCTIBLE AMOUNT SET FORTH IN THE
21 INSURANCE POLICY.
22 THE INSURED HOMEOWNER IS PERSONALLY RESPONSIBLE FOR PAYMENT OF THE
23 DEDUCTIBLE. THE INSURANCE FRAUD ACT AND NEBRASKA CRIMINAL STATUTES
24 PROHIBIT THE INSURED HOMEOWNER FROM ACCEPTING FROM A RESIDENTIAL
25 CONTRACTOR A REBATE OF THE DEDUCTIBLE OR OTHERWISE ACCEPTING ANY
26 ALLOWANCE OR DISCOUNT FROM THE RESIDENTIAL CONTRACTOR TO COVER THE COST
27 OF THE DEDUCTIBLE. VIOLATIONS MAY BE PUNISHABLE BY CIVIL OR CRIMINAL
28 PENALTIES.
29 Sec. 33. A contract entered into with a residential contractor is
30 void if the residential contractor violates any provision of the Insured
31 Homeowners Protection Act.
1 2. Renumber the remaining sections and correct the repealer
2 accordingly.

The Harr amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 936. Senator Bolz offered the following amendment:

AM2067

1 1. On page 4, strike lines 16 through 20 and insert the following
2 new subdivision:

3 "(c) High-quality job means a job that:

4 (i) Averages at least thirty-five hours of employment per week;

5 (ii) Is reported to the Department of Labor on two consecutive
6 quarterly wage reports; and

7 (iii) Earns wages that are at least ten percent higher than the

8 statewide industry sector average and that equal or exceed:

9 (A) One hundred ten percent of the Nebraska average weekly wage if

10 the job is in a county with a population of less than one hundred

11 thousand inhabitants; or

12 (B) One hundred twenty percent of the Nebraska average weekly wage

13 if the job is in a county with a population of one hundred thousand

14 inhabitants or more;"; after line 25 insert the following new

15 subdivision:

16 "(e) Nebraska average weekly wage means the most recent average

17 weekly wage paid by all employers in all counties in Nebraska as reported

18 by the Department of Labor by October 1 of each year;"; and in line 26

19 strike "(e)" and insert "(f)".

20 2. On page 5, line 3, strike "(f)" and insert "(g)"; in line 14

21 strike "(g)" and insert "(h)"; and in line 17 strike "(h)" and insert

22 "(i)".

The Bolz amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 750. ER109, found on page 591, was adopted.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 953. Placed on General File with amendment.

AM1779

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

2 sections:

3 Section 1. Section 48-139, Revised Statutes Cumulative Supplement,

4 2016, is amended to read:

5 48-139 (1)(a) Whenever an injured employee or his or her dependents

6 and the employer agree that the amounts of compensation due as periodic

7 payments for death, permanent disability, or claimed permanent disability

8 under the Nebraska Workers' Compensation Act shall be commuted to one or

9 more lump-sum payments, such settlement shall be submitted to the

10 Nebraska Workers' Compensation Court for approval as provided in
11 subsection (2) of this section if:

- 12 (i) The employee is not represented by counsel;
13 (ii) The employee, at the time the settlement is executed, is
14 eligible for medicare, is a medicare beneficiary, or has a reasonable
15 expectation of becoming eligible for medicare within thirty months after
16 the date the settlement is executed;
17 (iii) Medical, surgical, or hospital expenses incurred for treatment
18 of the injury have been paid by medicaid and medicaid will not be
19 reimbursed as part of the settlement;
20 (iv) Medical, surgical, or hospital expenses incurred for treatment
21 of the injury will not be fully paid as part of the settlement; or
22 (v) The settlement seeks to commute amounts of compensation due to
23 dependents of the employee.

24 (b) If such lump-sum settlement is not required to be submitted for
25 approval by the compensation court, a release shall be filed with the
26 compensation court as provided in subsection (3) of this section. Nothing
27 in this section shall be construed to increase the compensation court's
1 duties or authority with respect to the approval of lump-sum settlements
2 under the act.

3 (2)(a) An application for an order approving a lump-sum settlement,
4 signed and verified by both parties, shall be filed with the clerk of the
5 compensation court and shall be entitled the same as an action by such
6 employee or dependents against such employer. The application shall
7 contain a concise statement of the terms of the settlement or agreement
8 sought to be approved with a brief statement of the facts concerning the
9 injury, the nature thereof, the wages received by the injured employee
10 prior thereto, the nature of the employment, and such other matters as
11 may be required by the compensation court. The application may provide
12 for payment of future medical, surgical, or hospital expenses incurred by
13 the employee. The compensation court may, on its own motion, and shall
14 on a motion by one of the parties, hold a hearing on the application at a
15 time and place selected by the compensation court, and proof may be
16 adduced and witnesses subpoenaed and examined the same as in an action in
17 equity.

18 ~~(b)(i)~~ If the compensation court finds such lump-sum settlement
19 is made in conformity with the compensation schedule and for the best
20 interests of the employee or his or her dependents under all the
21 circumstances, the compensation court shall make an order approving the
22 same.

23 (ii) If medical, surgical, or hospital services provided to the
24 employee are not paid by the employer, or if any person, other than
25 medicaid, who has made any payment to the supplier of medical, surgical,
26 or hospital services provided to the employee, is not reimbursed by the
27 employer, it shall be conclusively presumed that the resolution of
28 payment of disputed medical, surgical, or hospital services set forth in
29 the application for approval of a lump-sum settlement is in conformity
30 with the compensation schedule and for the best interests of the employee
31 or his or her dependents, if the employee's attorney elects to affirm in

1 the application that the resolution of payment of disputed medical,
2 surgical, or hospital services is in conformity with the compensation
3 schedule and for the best interests of the employee or his or her
4 dependents under all the circumstances.
5 (iii) If the employee, at the time the settlement is executed, is
6 eligible for medicare, is a medicare beneficiary, or has a reasonable
7 expectation of becoming eligible for medicare within thirty months after
8 the date the settlement is executed, and if the employee's attorney
9 elects to affirm in the application for an order approving the settlement
10 that the parties' agreement relating to consideration of medicare's
11 interests set forth in such lump-sum settlement is in conformity with the
12 compensation schedule and for the best interests of the employee or his
13 or her dependents under all the circumstances, it shall be conclusively
14 presumed that the parties' agreement relating to consideration of
15 medicare's interests set forth in the application for approval of a lump-
16 sum settlement is in conformity with the compensation schedule and for
17 the best interests of the employee or his or her dependents.
18 (iv) If such settlement is not approved, the compensation court may
19 dismiss the application at the cost of the employer or continue the
20 hearing, in the discretion of the compensation court.
21 (c) Every such lump-sum settlement approved by order of the
22 compensation court shall be final and conclusive unless procured by
23 fraud. Upon paying the amount approved by the compensation court, the
24 employer (†) shall be discharged from further liability on account of the
25 injury or death, other than liability for the payment of future medical,
26 surgical, or hospital expenses if such liability is approved by the
27 compensation court on the application of the parties, ~~and (ii) shall be~~
28 ~~entitled to a duly executed release. Upon filing the release, the~~
29 ~~liability of the employer under any agreement, award, finding, or decree~~
30 ~~shall be discharged of record.~~
31 (3) If such lump-sum settlement is not required to be submitted for
1 approval by the compensation court, a release shall be filed with the
2 compensation court in accordance with this subsection that is signed and
3 verified by the employee and the employee's attorney. The release shall
4 be made on a form approved by the compensation court and shall contain a
5 statement signed and verified by the employee that:
6 (a) The employee understands and waives all rights under the
7 Nebraska Workers' Compensation Act, including, but not limited to:
8 (i) The right to receive weekly disability benefits, both temporary
9 and permanent;
10 (ii) The right to receive vocational rehabilitation services;
11 (iii) The right to receive future medical, surgical, and hospital
12 services as provided in section 48-120, unless such services are
13 specifically excluded from the release; and
14 (iv) The right to ask a judge of the compensation court to decide
15 the parties' rights and obligations;
16 (b) The employee is not eligible for medicare, is not a current
17 medicare beneficiary, and does not have a reasonable expectation of
18 becoming eligible for medicare within thirty months after the date the

19 settlement is executed;
 20 (c) There are no medical, surgical, or hospital expenses incurred
 21 for treatment of the injury which have been paid by medicaid and not
 22 reimbursed to medicaid by the employer as part of the settlement; and
 23 (d) There are no medical, surgical, or hospital expenses incurred
 24 for treatment of the injury that will remain unpaid after the settlement.
 25 (4) Upon the entry of an order of dismissal with prejudice, a
 26 release filed with the compensation court in accordance with subsection
 27 (3) of this section shall be final and conclusive as to all rights waived
 28 in the release unless procured by fraud. Amounts to be paid by the
 29 employer to the employee pursuant to such release shall be paid within
 30 thirty days of filing the release with the compensation court. Fifty
 31 percent shall be added for payments owed to the employee if made after
 1 thirty days after the date the release is filed with the compensation
 2 court. Upon making payment owed by the employer as set forth in the
 3 release and upon the entry of an order of dismissal with prejudice, as to
 4 all rights waived in the release, such release shall be a full and
 5 complete discharge from further liability for the employer on account of
 6 the injury, including future medical, surgical, or hospital expenses,
 7 unless such expenses are specifically excluded from the release, and the
 8 court shall enter an order of dismissal with prejudice as to all rights
 9 waived in the release.
 10 (5) The fees of the clerk of the compensation court for filing,
 11 docketing, and indexing an application for an order approving a lump-sum
 12 settlement or filing a release as provided in this section shall be
 13 fifteen dollars. The fees shall be remitted by the clerk to the State
 14 Treasurer for credit to the Compensation Court Cash Fund.
 15 Sec. 2. Original section 48-139, Revised Statutes Cumulative
 16 Supplement, 2016, is repealed.

(Signed) Joni Albrecht, Chairperson

SELECT FILE

LEGISLATIVE BILL 775. Senator Chambers offered the following
 motion:
 MO223
 Indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with
 11 ayes, 0 nays, and 38 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 41:

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

Present and not voting, 2:

Chambers Schumacher

Absent and not voting, 1:

Bolz

Excused and not voting, 5:

Kolowski Larson Murante Thibodeau Vargas

The Chamber motion to indefinitely postpone failed with 0 ayes, 41 nays, 2 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO225

Reconsider the vote to indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 4 nays, and 33 not voting.

The Chambers motion to reconsider failed with 2 ayes, 37 nays, 3 present and not voting, and 7 excused and not voting.

Senator Stinner offered the following motion:

MO226

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Voting in the affirmative, 41:

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

Voting in the negative, 1:

Chambers

Excused and not voting, 7:

Kolowski	Larson	Murante	Watermeier
Krist	Morfeld	Vargas	

The Stinner motion to invoke cloture prevailed with 41 ayes, 1 nay, and 7 excused and not voting.

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

Voting in the affirmative, 42:

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

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Baker

Excused and not voting, 5:

Kolowski	Krist	Larson	Morfeld	Murante
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Advanced to Enrollment and Review for Engrossment with 42 ayes, 1 nay, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 256. ER104, found on page 491, was adopted.

Senator Briese offered his amendment, AM1752, found on page 545.

The Briese amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following motion:

MO227

Indefinitely postpone.

Senator Chambers withdrew his motion to indefinitely postpone.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 717. Placed on General File.

LEGISLATIVE BILL 1073. Placed on General File.

LEGISLATIVE BILL 702. Placed on General File with amendment.

AM1887

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

2 sections:

3 Section 1. Section 42-369, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 42-369 (1) All orders, decrees, or judgments for temporary or
6 permanent support payments, including child, spousal, or medical support,
7 and all orders, decrees, or judgments for alimony or modification of
8 support payments or alimony shall direct the payment of such sums to be
9 made commencing on the first day of each month for the use of the persons
10 for whom the support payments or alimony have been awarded. Such payments
11 shall be made to the clerk of the district court (a) when the order,
12 decree, or judgment is for spousal support, alimony, or maintenance
13 support and the order, decree, or judgment does not also provide for
14 child support, and (b) when the payment constitutes child care or day
15 care expenses, unless payments under subdivision (1)(a) or (1)(b) of this
16 section are ordered to be made directly to the obligee. All other support
17 order payments shall be made to the State Disbursement Unit. In all cases
18 in which income withholding has been implemented pursuant to the Income
19 Withholding for Child Support Act or sections 42-364.01 to 42-364.14,
20 support order payments shall be made to the State Disbursement Unit. The
21 court may order such payment to be in cash or guaranteed funds.

22 (2)(a) If the party against whom an order, decree, or judgment for
23 child support is entered or the custodial party has health care coverage
24 ~~insurance~~ available to him or her through an employer, organization, or

25 other health ~~care coverage insurance~~ entity which may extend to cover any
26 children affected by the order, decree, or judgment and the health care
27 coverage is accessible to the children and is available to the
1 responsible party at reasonable cost, the court shall require health care
2 coverage to be provided. Health care coverage is accessible if the
3 covered children can obtain services from a plan provider with reasonable
4 effort by the custodial party. When the administrative agency, court, or
5 other tribunal determines that the only health care coverage option
6 available through the noncustodial party is a plan that limits service
7 coverage to providers within a defined geographic area, the
8 administrative agency, court, or other tribunal shall determine whether
9 the child lives within the plan's service area. If the child does not
10 live within the plan's service area, the administrative agency, court, or
11 other tribunal shall determine whether the plan has a reciprocal
12 agreement that permits the child to receive coverage at no greater cost
13 than if the child resided in the plan's service area. The administrative
14 agency, court, or other tribunal shall also determine if primary care is
15 available within thirty minutes or thirty miles of the child's residence.
16 For the purpose of determining the accessibility of health care coverage,
17 the administrative agency, court, or other tribunal may determine and
18 include in an order that longer travel times are permissible if
19 residents, in part or all of the service area, customarily travel
20 distances farther than thirty minutes or thirty miles. If primary care
21 services are not available within these constraints, the health care
22 coverage is presumed inaccessible. If health care coverage is not
23 available or is inaccessible and one or more of the parties are receiving
24 Title IV-D services, then cash medical support shall be ordered. Cash
25 medical support or the cost of health care coverage ~~private health~~
26 ~~insurance~~ is considered reasonable in cost if the cost to the party
27 responsible for providing medical support does not exceed three percent
28 of his or her gross income. In applying the three-percent standard, the
29 cost is the cost of adding the children to existing health care coverage
30 or the difference between self-only and family health care coverage. Cash
31 medical support payments shall not be ordered if, at the time that the
1 order is issued or modified, the responsible party's income is or such
2 expense would reduce the responsible party's net income below the basic
3 subsistence limitation provided in Nebraska Court Rule section 4-218. If
4 such rule does not describe a basic subsistence limitation, the
5 responsible party's net income shall not be reduced below nine hundred
6 three dollars net monthly income for one person or below the poverty
7 guidelines updated annually in the Federal Register by the United States
8 Department of Health and Human Services under the authority of 42 U.S.C.
9 9902(2).

10 (b) For purposes of this section:

11 (i) Health care coverage has the same meaning as in section
12 44-3,144; and

13 (ii) Cash medical support means an amount ordered to be paid toward
14 the cost of health care coverage ~~insurance~~ provided by a public entity or
15 by another parent through employment or otherwise or for other medical

16 costs not covered by insurance or other health care coverage.

17 (3) A support order, decree, or judgment may include the providing
18 of necessary shelter, food, clothing, care, medical support as defined in
19 section 43-512, medical attention, expenses of confinement, education
20 expenses, funeral expenses, and any other expense the court may deem
21 reasonable and necessary.

22 (4) Orders, decrees, and judgments for temporary or permanent
23 support or alimony shall be filed with the clerk of the district court
24 and have the force and effect of judgments when entered. The clerk and
25 the State Disbursement Unit shall disburse all payments received as
26 directed by the court and as provided in sections 42-358.02 and
27 43-512.07. Records shall be kept of all funds received and disbursed by
28 the clerk and the unit and shall be open to inspection by the parties and
29 their attorneys.

30 (5) Unless otherwise specified by the court, an equal and
31 proportionate share of any child support awarded shall be presumed to be
1 payable on behalf of each child subject to the order, decree, or judgment
2 for purposes of an assignment under section 43-512.07.

3 Sec. 2. Section 43-512.12, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 43-512.12 (1) Child support orders in cases in which a party has
6 applied for services under Title IV-D of the federal Social Security Act,
7 as amended, shall be reviewed by the Department of Health and Human
8 Services to determine whether to refer such orders to the county attorney
9 or authorized attorney for filing of an application for modification. An
10 order shall be reviewed by the department upon its own initiative or at
11 the request of either parent when such review is required by Title IV-D
12 of the federal Social Security Act, as amended. After review the
13 department shall refer an order to a county attorney or authorized
14 attorney when the verifiable financial information available to the
15 department indicates:

16 (a) The present child support obligation varies from the Supreme
17 Court child support guidelines pursuant to section 42-364.16 by more than
18 the percentage, amount, or other criteria established by Supreme Court
19 rule, and the variation is due to financial circumstances which have
20 lasted at least three months and can reasonably be expected to last for
21 an additional six months; or

22 (b) Health care coverage meeting the requirements of subsection (2)
23 of section 42-369 is available to either party and the children do not
24 have health care coverage other than the medical assistance program under
25 the Medical Assistance Act.

26 Health care coverage cases may be modified within three years of
27 entry of the order.

28 (2) Orders that are not addressed under subsection (1) of this
29 section shall not be reviewed by the department if it has not been three
30 years since the present child support obligation was ordered unless the
31 requesting party demonstrates a substantial change in circumstances that
1 is expected to last for the applicable time period established by
2 subdivision (1)(a) of this section. Such substantial change in

3 circumstances may include, but is not limited to, change in employment,
4 earning capacity, or income or receipt of an ongoing source of income
5 from a pension, gift, or lottery winnings. An order may be reviewed after
6 one year if the department's determination after the previous review was
7 not to refer to the county attorney or authorized attorney for filing of
8 an application for modification because financial circumstances had not
9 lasted or were not expected to last for the time periods established by
10 subdivision (1)(a) of this section.

11 (3) Notwithstanding the time periods set forth in subdivision (1)(a)
12 of this section, within fifteen business days of learning that a
13 noncustodial parent will be incarcerated for more than one hundred eighty
14 calendar days, the department shall send notice to both parents informing
15 them of the right to request the state to review and, if appropriate,
16 adjust the order.

17 Sec. 3. Section 43-512.15, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 43-512.15 (1) The county attorney or authorized attorney, upon
20 referral from the Department of Health and Human Services, shall file a
21 complaint to modify a child support order unless the attorney determines
22 in the exercise of independent professional judgment that:

23 (a) The variation from the Supreme Court child support guidelines
24 pursuant to section 42-364.16 is based on material misrepresentation of
25 fact concerning any financial information submitted to the attorney;

26 (b) The variation from the guidelines is due to a voluntary
27 reduction in net monthly income. Incarceration may not be treated as
28 voluntary unemployment in establishing or modifying support orders For
29 purposes of this section, a person who has been incarcerated for a period
30 of one year or more in a county or city jail or a federal or state
31 correctional facility shall be considered to have an involuntary
1 reduction of income unless (i) the incarceration is a result of a
2 conviction for criminal nonsupport pursuant to section 28-706 or a
3 conviction for a violation of any federal law or law of another state
4 substantially similar to section 28-706, (ii) the incarcerated individual
5 has a documented record of willfully failing or neglecting to provide
6 proper support which he or she knew or reasonably should have known he or
7 she was legally obligated to provide when he or she had sufficient
8 resources to provide such support, or (iii) the incarceration is a result
9 of a conviction for a crime in which the child who is the subject of the
10 child support order was victimized; or

11 (c) When the amount of the order is considered with all the other
12 undisputed facts in the case, no variation from the criteria set forth in
13 subdivisions (1)(a) and (b) of section 43-512.12 exists.

14 ~~(2) The department, a county attorney, or an authorized attorney~~
15 ~~shall not in any case be responsible for reviewing or filing an~~
16 ~~application to modify child support for individuals incarcerated as~~
17 ~~described in subdivision (1)(b) of this section.~~

18 ~~(2)~~ ~~(3)~~ The proceedings to modify a child support order shall comply
19 with section 42-364, and the county attorney or authorized attorney shall
20 represent the state in the proceedings.

21 (3) (4) After a complaint to modify a child support order is filed,
22 any party may choose to be represented personally by private counsel. Any
23 party who retains private counsel shall so notify the county attorney or
24 authorized attorney in writing.

25 Sec. 4. Section 44-3,144, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 44-3,144 For purposes of sections 44-3,144 to 44-3,150:

28 (1) Authorized attorney has the same meaning as in section 43-512;

29 (2) Child means an individual to whom or on whose behalf a legal
30 duty of support is owed by an obligor;

31 (3) Department means the Department of Health and Human Services;

1 (4) Employer means an individual, a firm, a partnership, a
2 corporation, an association, a union, a political subdivision, a state
3 agency, or any agent thereof who pays income to an obligor on a periodic
4 basis and has or provides health care coverage to the obligor-employee;

5 (5) Health care coverage means a health benefit plan or combination
6 of plans, including fee for service, health maintenance organization,
7 preferred provider organization, and other types of coverage available to
8 either party, under which medical services could be provided to dependent
9 children, ~~other than public medical assistance programs~~, that provide
10 medical care or benefits;

11 (6) Insurer means an insurer as defined in section 44-103 offering a
12 group health plan as defined in 29 U.S.C. 1167, as such section existed
13 on January 1, 2002;

14 (7) Medical support means the provision of health care coverage,
15 contribution to the cost of health care coverage, contribution to
16 expenses associated with the birth of a child, other uninsured medical
17 expenses of a child, or any combination thereof;

18 (8) Medical assistance program means the program established
19 pursuant to the Medical Assistance Act;

20 (9) National medical support notice means a uniform administrative
21 notice issued by the county attorney, authorized attorney, or department
22 to enforce the medical support provisions of a support order;

23 (10) Obligee has the same meaning as in section 43-3341;

24 (11) Obligor has the same meaning as in section 43-3341;

25 (12) Plan administrator means the person or entity that administers
26 health care coverage for an employer;

27 (13) Qualified medical child support order means an order that meets
28 the requirements of 29 U.S.C. 1169, as such section existed on January 1,
29 2002; and

30 (14) Uninsured medical expenses means the reasonable and necessary
31 health-related expenses that are not paid by health care coverage.

1 Sec. 5. Original sections 42-369, 43-512.12, 43-512.15, and
2 44-3,144, Reissue Revised Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 1035. Placed on General File with amendment.
AM1741

1 1. On page 2, lines 4 and 5, strike "an endovascular therapy" and
2 insert "a designated thrombectomy"; in line 12 strike "endovascular

3 therapy" and insert "thrombectomy"; in line 15 reinstate the stricken
 4 "or"; in line 17 strike "or the department"; and in line 26 strike "an
 5 endovascular therapy" and insert "a thrombectomy".
 6 2. On page 3, line 18, strike "endovascular therapy" and insert
 7 "thrombectomy".

(Signed) Merv Riepe, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Tuesday, March 6, 2018 12:00 p.m.

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

Tuesday, March 13, 2018 12:00 p.m.

Stacie L. Ray - Commission for the Deaf and Hard of Hearing

(Signed) Merv Riepe, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 319. Introduced by Quick, 35.

PURPOSE: The purpose of this resolution is to determine a sustainable revenue source for the Nebraska Main Street Network. The Nebraska Main Street Network brings together communities across the state to learn how to utilize a historic preservation-based strategy of rebuilding the places and strengthening the businesses that make more sustainable, vibrant, and unique communities. Through affiliation with the National Main Street Center, Nebraska's Main Street communities tap into the collective wisdom and experience of more than one thousand five hundred communities in forty-six state, regional, and urban programs. The Legislature began providing funding to support the program in 1997, with the funding renewed every two years through a bill appropriating such funds. Legislative Bill 281 was introduced during the 2017 legislative session to provide an appropriation of \$100,000 for each year of the current biennium and is currently being considered by the Appropriations Committee.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Pansing Brooks name added to LB773.

Senator McCollister name added to LB1069.

VISITORS

Visitors to the Chamber were Kristi Thornton from Lincoln; 5 members of the Nebraska Petroleum Producers Association; and John Rundel, Oil and Gas Conservation Commissioner, from Trenton.

The Doctor of the Day was Dr. Kaitlin Hahn from Omaha.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator Blood, the Legislature adjourned until 9:00 a.m., Friday, February 23, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SECOND DAY - FEBRUARY 23, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 23, 2018

PRAYER

The prayer was offered by Senator Clements.

ROLL CALL

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

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

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 439. Placed on Select File with amendment.
ER111 is available in the Bill Room.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 1089. Placed on General File with amendment.
AM2049 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 827. Placed on General File.

LEGISLATIVE BILL 859. Placed on General File.

LEGISLATIVE BILL 1119. Placed on General File.

LEGISLATIVE BILL 426. Placed on General File with amendment.
AM1957

- 1 1. Insert the following new section:
- 2 Sec. 148. This act becomes operative on January 1, 2019.
- 3 2. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 887. Placed on General File with amendment.
AM1781

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 15-201.02, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 15-201.02 (1) In addition to any other powers granted to it by law,
- 5 a city of the primary class may enter into installment contracts for the
- 6 purchase of real or personal property. The aggregate principal amount of
- 7 such contracts shall be limited to twenty percent of the general
- 8 obligation bond debt approved by the voters of such city. Such contracts
- 9 need not be restricted to a single year and may provide for the purchase
- 10 of the property in installment payments to be paid over more than one
- 11 fiscal year.
- 12 (2) Nothing in this section affects any contract in effect prior to
- 13 May 31, 2018.
- 14 (3) This section shall be in addition to and notwithstanding the
- 15 provisions of a home rule charter.
- 16 2. Renumber the remaining section and correct the repealer
- 17 accordingly.

LEGISLATIVE BILL 1000. Placed on General File with amendment.
AM1717

- 1 1. Strike original sections 5 to 7 and insert the following new
- 2 section:
- 3 Sec. 5. (1) In addition to any other borrowing powers provided for
- 4 by law, a qualified public agency may issue its negotiable bonds subject
- 5 to the terms and conditions set forth in the Public Facilities
- 6 Construction and Finance Act to any joint entity as defined in section
- 7 13-803 or to any joint public agency as defined in section 13-2503 in
- 8 connection with any joint project which is to be owned, operated, or
- 9 financed by the joint entity or joint public agency for the benefit of
- 10 the qualified public agency. The bonds may be issued only if the second
- 11 largest participant in the joint project has a financial contribution in
- 12 the joint project of at least twenty-five percent of the debt service. No
- 13 bonds shall be issued on or after the effective date of this act until
- 14 the question has been submitted to the qualified electors of each
- 15 participating qualified public agency at an election called for that
- 16 purpose as provided in this section and, within each participating
- 17 qualified public agency, a majority of the qualified electors voting on
- 18 the question within the participating qualified public agency voted in
- 19 favor of issuing the same.

20 (2) Each participating qualified public agency shall give notice of
 21 the election at least fifty days prior to the election. The question of
 22 issuing bonds may be submitted at the statewide primary or general
 23 election. The election shall be conducted in accordance with the Election
 24 Act.

25 (3) The question of bond issues, when defeated, shall not be
 26 resubmitted in substance for a period of six months from and after the
 27 date of such election.

1 2. On page 3, line 1, strike "to 8" and insert "and 6".

2 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1003. Placed on General File with amendment.

AM1911

1 1. On page 2, line 13, strike "three hundred sixty" and insert "one
 2 hundred sixty-eight".

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)

Business and Labor

The Business and Labor 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.

Johnie Jason Girmus - Boiler Safety Code Advisory Board

Aye: 6 Albrecht, Chambers, Halloran, Hansen, Howard, Lowe. Nay: 0.
 Absent: 1 Crawford. Present and not voting: 0.

The Business and Labor 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.

Joel Carlson - Commission of Industrial Relations
 Patricia L. Vannoy - Commission of Industrial Relations

Aye: 6 Albrecht, Chambers, Halloran, Hansen, Howard, Lowe. Nay: 0.
 Absent: 1 Crawford. Present and not voting: 0.

(Signed) Joni Albrecht, Chairperson

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs 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.

Starr Lehl - Nebraska Tourism Commission

Ashley Olson - Nebraska Tourism Commission
 Sarah Sortum - Nebraska Tourism Commission

Aye: 7 Blood, Brewer, Briese, Lowe, Murante, Thibodeau, Wayne. Nay: 0.
 Absent: 1 Hilgers. Present and not voting: 0.

The Government, Military and Veterans Affairs 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.

Darrin Barner - Nebraska Tourism Commission
 John Chabo - Nebraska Tourism Commission
 Roger L. Jasnoch - Nebraska Tourism Commission
 Roger Kuhn - Nebraska Tourism Commission
 Barry McFarland - Nebraska Tourism Commission
 Debra Nelson-Loseke - Nebraska Tourism Commission

Aye: 8 Blood, Brewer, Briese, Hilgers, Lowe, Murante, Thibodeau, Wayne.
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) John Murante, Chairperson

AMENDMENT(S) - Print in Journal

Senator Briese filed the following amendment to LB1084:
 FA103
 Amend Committee Amendments
 Page 4, line 5: Strike "enrollment of the" and insert "enrollment of that".

Senator Briese filed the following amendment to LB1084:
 FA104
 Amend Committee Amendments
 Page 1, line 9 after "meaning as," insert "it does in".

Senator Briese filed the following amendment to LB1084:
 FA105
 Page 1, line 16 after "the" insert "Nebraska".

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 22, 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

Baird Holm LLP
 People United for Privacy

Husch Blackwell LLP
 Nebraska Indoor Tanning Association
 Lautenbaugh, Scott
 Nebraska Premium Tobacco
 Stenek, Abby
 Lincoln Independent Business Association (LIBA) (Withdrawn 2/19/2018)
 Watson, James S.
 Nebraska Association of Medicaid Health Plans

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>

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 803. Placed on General File with amendment.

AM1719

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 79-1104, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 79-1104 (1) Any school board in its discretion may (a) establish and
 6 financially support programs providing before-and-after-school or
 7 prekindergarten services, to which attendance shall be voluntary and
 8 which the board may deem beneficial to the education of prekindergarten
 9 or school-age children and (b) provide or financially support
 10 transportation for children to, from, or to and from programs as defined
 11 in section 71-1910. The board may charge a fee, not to exceed the actual
 12 cost, for providing such programs and services but may waive such fee on
 13 the basis of need. This section does not allow any school district to
 14 fail to meet its responsibilities under the Special Education Act.
 15 (2) Prekindergarten programs established by school boards or
 16 educational service units shall be approved by the State Department of
 17 Education subject to regulations adopted and promulgated by the State
 18 Board of Education and may include such components as (a) the utilization
 19 of appropriately qualified staff, (b) an appropriate child-to-staff
 20 ratio, (c) appropriate group size, (d) compliance with minimum health and
 21 safety standards, (e) appropriate facility size and equipment, (f) a
 22 strong family development and support component, (g) developmentally and
 23 culturally appropriate curriculum, practices, and assessment, (h) well-
 24 defined language development and early literacy emphasis, and (i) a plan
 25 for ongoing professional development of staff, all in accordance with
 26 sound early childhood educational practice, research, and evaluation. All
 27 teachers and administrators in prekindergarten programs established
 1 pursuant to this section shall hold a valid certificate or permit issued
 2 pursuant to sections 79-806 to 79-815, except that the ~~The~~ State Board
 3 of Education may shall adopt and promulgate rules and regulations that
 4 exempt a prekindergarten program from the requirement for teachers and

5 administrators in prekindergarten programs to hold a valid certificate or
 6 permit if such program is in compliance with such rules and regulations
 7 for the issuance of such permits or certificates required by this
 8 section.

9 Sec. 2. Original section 79-1104, Reissue Revised Statutes of
 10 Nebraska, is repealed.

LEGISLATIVE BILL 998. Placed on General File with amendment.
 AM2044

1 1. On page 3, line 6, strike "born equally between" and insert "paid
 2 by any combination of"; in line 7 strike "the General Fund"; and strike
 3 beginning with "and" in line 17 through "unit" in line 18.
 4 2. On page 4, strike beginning with "a" in line 5 through "Council"
 5 in line 6 and insert "the Educational Service Unit Coordinating Council
 6 or an educational service unit may employ a social worker. Such social
 7 worker".

(Signed) Mike Groene, Chairperson

COMMITTEE REPORT(S)
 Education

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

John Bernthal - Coordinating Commission for Postsecondary Education
 Deborah Frison - Coordinating Commission for Postsecondary Education
 Joyce Simmons - Coordinating Commission for Postsecondary Education

Aye: 8 Ebke, Erdman, Groene, Kolowski, Linehan, Morfeld,
 Pansing Brooks, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

The Education 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.

Robert Kobza - Board of Educational Lands and Funds

Aye: 8 Ebke, Erdman, Groene, Kolowski, Linehan, Morfeld,
 Pansing Brooks, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

The Education 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.

Lisa May - Nebraska Educational Telecommunications Commission

Aye: 8 Ebke, Erdman, Groene, Kolowski, Linehan, Morfeld,
 Pansing Brooks, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Mike Groene, Chairperson

SPEAKER SCHEER PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 78.

A BILL FOR AN ACT relating to state highways; to amend section 39-1314, Reissue Revised Statutes of Nebraska; to change a provision relating to relinquishment or abandonment of a highway fragment, section, or route as prescribed; and to repeal the original section.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

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

LEGISLATIVE BILL 285.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-502.03, Reissue Revised Statutes of Nebraska, and section 71-531, Revised Statutes Cumulative Supplement, 2016; to provide a duty to test pregnant women, eliminate written informed consent and exemption provisions, and change posttest counseling and treatment provisions relating to testing for human immunodeficiency virus infection; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

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

LEGISLATIVE BILL 345.

A BILL FOR AN ACT relating to the Abstracters Act; to amend sections 76-542 and 76-546, Reissue Revised Statutes of Nebraska; to eliminate an experience requirement for registered abstracters and temporary certificates of registration; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 43:

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

Voting in the negative, 1:

Krist

Present and not voting, 1:

Howard

Excused and not voting, 4:

Larson Vargas Walz Wayne

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

LEGISLATIVE BILL 472.

A BILL FOR AN ACT relating to highways; to amend section 39-220, Revised Statutes Supplement, 2017; to change provisions relating to permits for advertisements along the Highway Beautification Control System; to eliminate a fee; to change provisions relating to the Department of Transportation's authority to make rules and regulations concerning signs along highways; and to repeal the original section.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Larson Walz Wayne

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

LEGISLATIVE BILL 480.

A BILL FOR AN ACT relating to insurance; to amend section 47-701, Reissue Revised Statutes of Nebraska; to provide requirements relating to health insurance policies and coverage for insureds in temporary jail custody; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original section.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Riepe

Excused and not voting, 3:

Larson Walz Wayne

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

LEGISLATIVE BILL 486.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3902 and 44-3905, Reissue Revised Statutes of Nebraska, and section 44-3904, Revised Statutes Cumulative Supplement, 2016; to define terms; to change continuing education requirements; to provide powers and duties; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Larson Walz Wayne

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

LEGISLATIVE BILL 618.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-331, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the use of the Transportation Network Company Regulation Cash Fund; and to repeal the original section.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Larson Walz Wayne

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

LEGISLATIVE BILL 710.

A BILL FOR AN ACT relating to civil lawsuits; to amend section 25-1801, Reissue Revised Statutes of Nebraska; to change provisions relating to costs, interest, and attorney's fees; to define a term; to provide an exception; and to repeal the original section.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Larson Walz Wayne

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB744 with 42 ayes, 2 nays, 2 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 744.

A BILL FOR AN ACT relating to the Legislature; to amend sections 32-1101, 32-1105, 32-1111, 32-1112, 32-1114, 32-1115, and 32-1116, Reissue Revised Statutes of Nebraska; to adopt the Legislative Qualifications and Election Contests Act; to change and repeal provisions relating to election contests; to provide a duty for the Revisor of Statutes; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-1106 and 32-1107, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Friesen

Excused and not voting, 3:

Larson Walz Wayne

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 757.

A BILL FOR AN ACT relating to consumer protection; to amend sections 87-801 and 87-806, Reissue Revised Statutes of Nebraska, and sections 8-2602, 8-2603.01, 8-2608.02, 8-2609, and 8-2609.01, Revised Statutes Cumulative Supplement, 2016; to prohibit certain fees under the Credit Report Protection Act; to change provisions relating to the Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006; to require additional reasonable security procedures and practices regarding personal information; to provide applicability for certain provisions; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Larson Walz Wayne

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

MOTION(S) - Return LB275 to Select File

Senator Chambers moved to return LB275 to Select File for the following specific amendment:

FA106

Strike the enacting clause.

The Chambers motion to return failed with 0 ayes, 42 nays, 4 present and not voting, and 3 excused and not voting.

MOTION(S) - Return LB758 to Select File

Senator Chambers moved to return LB758 to Select File for the following specific amendment:

FA107

Strike the enacting clause.

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

Voting in the affirmative, 0.

Voting in the negative, 41:

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

Present and not voting, 4:

Chambers	Harr	Kolowski	Krist
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Excused and not voting, 4:

Larson	Walz	Watermeier	Wayne
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The Chambers motion to return failed with 0 ayes, 41 nays, 4 present and not voting, and 4 excused and not voting.

WITHDRAW - Amendments to LB310

Senator Harr withdrew his amendments, AM1876 and AM1877, found on pages 615 and 616, to LB310.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 310.

A BILL FOR AN ACT relating to highways and bridges; to amend sections 39-1411 and 39-1412, Reissue Revised Statutes of Nebraska, and section 60-6,383, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to carrying capacity and weight limits of bridges and operation restrictions for implements of husbandry; and to repeal the original sections.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Larson Walz Watermeier Wayne

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

MOTION(S) - Reconsider Action on LB275

Senator Chambers offered the following motion to LB275:
MO228

Reconsider the vote taken on the motion to return the bill to Select File.

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

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 275.

A BILL FOR AN ACT relating to abandoned vehicles; to amend sections 60-1906, 60-1910, and 60-1911, Reissue Revised Statutes of Nebraska, and sections 60-149 and 60-166, Revised Statutes Supplement, 2017; to define a term; to provide duties for law enforcement agencies and private towing services; to provide rights and duties for private property owners; to change liability provisions; to harmonize provisions; to provide operative dates; and to repeal the original sections.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Riepe

Excused and not voting, 3:

Larson Walz Wayne

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

LEGISLATIVE BILL 758. With Emergency Clause.

A BILL FOR AN ACT relating to water; to provide for voluntary payments in lieu of taxes relating to water augmentation projects as prescribed; to provide for notices, hearings, annual reports, and submission of leases as prescribed; and to declare an emergency.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Larson Walz Wayne

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

MOTION(S) - Return LB17 to Select File

Senator Erdman moved to return LB17 to Select File for his specific amendment, AM1528, found on page 517.

The Erdman motion to return prevailed with 46 ayes, 0 nays, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 17. The Erdman specific amendment, AM1528, found on page 517, was adopted with 46 ayes, 0 nays, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION(S) - Return LB350 to Select File

Senator Murante moved to return LB350 to Select File for his specific amendment, AM1697, found on page 588.

Senator Wayne requested a roll call vote, in reverse order, on the motion to return.

Voting in the affirmative, 6:

Albrecht Geist Lowe
Erdman Hilgers Murante

Voting in the negative, 21:

Baker	Ebke	Krist	Scheer	Wishart
Blood	Hansen	McDonnell	Schumacher	
Bolz	Harr	Morfeld	Vargas	
Chambers	Howard	Pansing Brooks	Watermeier	
Crawford	Kolowski	Quick	Wayne	

Present and not voting, 20:

Bostelman	Clements	Hilkemann	Lindstrom	Smith
Brasch	Friesen	Hughes	Linehan	Stinner
Brewer	Groene	Kolterman	McCollister	Thibodeau
Briese	Halloran	Kuehn	Riepe	Williams

Excused and not voting, 2:

Larson Walz

The Murante motion to return failed with 6 ayes, 21 nays, 20 present and not voting, and 2 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 320. Introduced by Baker, 30.

WHEREAS, Jetta Harvey, a member of Gage County 4-H and a sophomore at Harvey Academy for Higher Learning, has achieved national recognition for exemplary volunteer service by receiving the 2018 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Harvey earned this honor by giving generously of her time and energy by constructing Quilts of Valor to honor military veterans in the Beatrice and Gage County community. After constructing one by herself, Ms. Harvey taught fellow 4-H members and Beatrice Middle School students how to sew and worked with them to create four additional quilts. Ms. Harvey then organized a reception to honor each of the five Quilt of Valor recipients; and

WHEREAS, the success of the state, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Jetta Harvey who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors Jetta Harvey for receiving the 2018 Prudential Spirit of Community Award.
2. That the Legislature recognizes Ms. Harvey's outstanding record of volunteer service, peer leadership, and community spirit and extends best wishes for her continued success and happiness.
3. That a copy of this resolution be sent to Jetta Harvey.

Laid over.

LEGISLATIVE RESOLUTION 321. Introduced by Baker, 30.

WHEREAS, William "Will" Gleason from Lincoln Southwest High School won the Number 1 singles tennis title at the 2017 Class A Boys State Tennis Championship; and

WHEREAS, Mr. Gleason has won the state's Number 1 singles crown for three consecutive years; and

WHEREAS, the win by Mr. Gleason helped the Lincoln Southwest Silver Hawks win the state team championship for the first time since 2013 with a perfect score of 60 points; 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 Will Gleason on winning the Number 1 singles tennis title at the 2017 Class A Boys State Tennis Championship.

2. That a copy of this resolution be sent to Will Gleason.

Laid over.

LEGISLATIVE RESOLUTION 322. Introduced by Baker, 30.

WHEREAS, Joe Harris from Lincoln Southwest High School won the Number 2 singles tennis title at the 2017 Class A Boys State Tennis Championship; and

WHEREAS, the win by Mr. Harris helped the Lincoln Southwest Silver Hawks win the state team championship for the first time since 2013 with a perfect score of 60 points; 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 Joe Harris on winning the Number 2 singles tennis title at the 2017 Class A Boys State Tennis Championship.

2. That a copy of this resolution be sent to Joe Harris.

Laid over.

LEGISLATIVE RESOLUTION 323. Introduced by Baker, 30.

WHEREAS, Duncan Works and Nick O'Shea from Lincoln Southwest High School won the Number 1 doubles tennis title at the 2017 Class A Boys State Tennis Championship; and

WHEREAS, the win by Mr. Works and Mr. O'Shea helped the Lincoln Southwest Silver Hawks win the state team championship for the first time since 2013 with a perfect score of 60 points; 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 Duncan Works and Nick O'Shea on winning the Number 1 doubles tennis title at the 2017 Class A Boys State Tennis Championship.

2. That copies of this resolution be sent to Duncan Works and Nick O'Shea.

Laid over.

LEGISLATIVE RESOLUTION 324. Introduced by Baker, 30.

WHEREAS, Grady Works and Caleb Bowman from Lincoln Southwest High School won the Number 2 doubles tennis title at the 2017 Class A Boys State Tennis Championship; and

WHEREAS, the win by Mr. Works and Mr. Bowman helped the Lincoln Southwest Silver Hawks win the state team championship for the first time since 2013 with a perfect score of 60 points; 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 Grady Works and Caleb Bowman on winning the Number 2 doubles tennis title at the 2017 Class A Boys State Tennis Championship.

2. That copies of this resolution be sent to Grady Works and Caleb Bowman.

Laid over.

LEGISLATIVE RESOLUTION 325. Introduced by Baker, 30.

WHEREAS, the Lincoln Southwest High School boys tennis team won the 2017 Class A Boys State Tennis Championship; and

WHEREAS, the Lincoln Southwest Silver Hawks scored a perfect 60 team points and took home the team title for the first time since 2013; and

WHEREAS, the win by the Silver Hawks marks the first time, since the Nebraska School Activities Association started taking statistics in 1977, that a team has won all four divisions of the Boys' State Tennis Championship; and

WHEREAS, Coach Dennis Hershberger provided the leadership to cap a winning season with a state championship; 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 Southwest Silver Hawks boys tennis team on winning the 2017 Class A Boys State Tennis Championship.
2. That a copy of this resolution be sent to Lincoln Southwest High school and Coach Dennis Hershberger.

Laid over.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 993. Placed on General File with amendment. AM1908 is available in the Bill Room.

LEGISLATIVE BILL 389. Placed on General File with amendment. AM1456 is available in the Bill Room.

(Signed) Curt Friesen, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1019. Placed on General File.

LEGISLATIVE BILL 1098. Placed on General File.

LEGISLATIVE BILL 948. Placed on General File with amendment. AM1931

- 1 1. Insert the following new sections:
- 2 Sec. 6. Section 32-202, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 32-202 In addition to any other duties prescribed by law, the
- 5 Secretary of State shall:
- 6 (1) Supervise the conduct of primary and general elections in this
- 7 state;
- 8 (2) Provide training for election commissioners, county clerks, and
- 9 other election officials in providing for registration of voters and the
- 10 conduct of elections;
- 11 (3) Enforce the Election Act;
- 12 (4) With the assistance and advice of the Attorney General, make
- 13 uniform interpretations of the act;
- 14 (5) Provide periodic training for the agencies and their agents and
- 15 contractors in carrying out their duties under sections 32-308 to 32-310;
- 16 (6) Develop and print forms for use as required by sections 32-308,
- 17 32-310, 32-320, 32-329, 32-947, 32-956, and 32-958;
- 18 (7) Contract with the Department of Administrative Services for
- 19 storage and distribution of the forms;
- 20 (8) Require reporting to ensure compliance with sections 32-308 to
- 21 32-310;

22 (9) Prepare and transmit reports as required by the National Voter
23 Registration Act of 1993, 42 U.S.C. 1973gg et seq.;

24 (10) Develop and print a manual describing the requirements of the
25 initiative and referendum process and distribute the manual to election
26 commissioners and county clerks for distribution to the public upon
27 request;

1 (11) Develop and print pamphlets described in section 32-1405.01;

2 and

3 ~~(12) Adopt and promulgate rules and regulations for elections~~

4 ~~conducted under sections 32-952 to 32-959; and~~

5 (12) (13) Establish a free access system, such as a toll-free
6 telephone number or an Internet web site, that any voter who casts a
7 provisional ballot may access to discover whether the vote of that voter
8 was counted and, if the vote was not counted, the reason that the vote
9 was not counted. The Secretary of State shall establish and maintain
10 reasonable procedures necessary to protect the security, confidentiality,
11 and integrity of personal information collected, stored, or otherwise
12 used by the free access system. Access to information about an individual
13 provisional ballot shall be restricted to the individual who cast the
14 ballot.

15 Sec. 7. Section 32-203, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 32-203 In addition to any other powers prescribed by law, the
18 Secretary of State may:

19 (1) Inspect, with or without the filing of a complaint by any
20 person, and review the practices and procedures of election
21 commissioners, county clerks, their employees, and other election
22 officials in the conduct of primary and general elections and the
23 registration of qualified electors;

24 (2) Employ such personnel as necessary to efficiently carry out his
25 or her powers and duties as prescribed in the Election Act;

26 (3) Adopt and promulgate rules and regulations in regard to the
27 registration of voters and the conduct of elections, including, but not
28 limited to, elections under sections 32-952 to 32-959; and

29 (4) Enforce the act by injunctive action brought by the Attorney
30 General in the district court for the county in which any violation of
31 the act occurs.

1 Sec. 13. Section 46-753, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 46-753 (1) The Water Resources Trust Fund is created. The State
4 Treasurer shall credit to the fund such money as is specifically
5 appropriated thereto by the Legislature, transfers authorized by the
6 Legislature, and such funds, fees, donations, gifts, or bequests received
7 by the Department of Natural Resources from any federal, state, public,
8 or private source for expenditure for the purposes described in the
9 Nebraska Ground Water Management and Protection Act. Money in the fund
10 shall not be subject to any fiscal-year limitation or lapse provision of
11 unexpended balance at the end of any fiscal year or biennium. Any money
12 in the fund available for investment shall be invested by the state

13 investment officer pursuant to the Nebraska Capital Expansion Act and the
14 Nebraska State Funds Investment Act.

15 (2) The fund shall be administered by the department. The department
16 ~~may shall~~ adopt and promulgate rules and regulations regarding the
17 allocation and expenditure of money from the fund.

18 (3) Money in the fund may be expended by the department for costs
19 incurred by the department, by natural resources districts, or by other
20 political subdivisions in (a) determining whether river basins,
21 subbasins, or reaches are fully appropriated in accordance with section
22 46-713, (b) developing or implementing integrated management plans for
23 such fully appropriated river basins, subbasins, or reaches or for river
24 basins, subbasins, or reaches designated as overappropriated in
25 accordance with section 46-713, (c) developing or implementing integrated
26 management plans in river basins, subbasins, or reaches which have not
27 yet become either fully appropriated or overappropriated, or (d)
28 attaining state compliance with an interstate water compact or decree or
29 other formal state contract or agreement.

30 (4) Except for funds paid to a political subdivision for forgoing or
31 reducing its own water use or for implementing projects or programs
1 intended to aid the state in complying with an interstate water compact
2 or decree or other formal state contract or agreement, a political
3 subdivision that receives funds from the fund shall provide, or cause to
4 be provided, matching funds in an amount at least equal to twenty percent
5 of the amount received from the fund by that natural resources district
6 or political subdivision. The department shall monitor programs and
7 activities funded by the fund to ensure that the required match is being
8 provided.

9 Sec. 18. Section 60-482, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 60-482 The director ~~may shall~~ adopt and promulgate such rules and
12 regulations as may be necessary to carry out the Motor Vehicle Operator's
13 License Act.

14 Sec. 20. Section 60-4,118, Revised Statutes Supplement, 2017, is
15 amended to read:

16 60-4,118 (1) No operator's license shall be granted to any applicant
17 until such applicant satisfies the examiner that he or she possesses
18 sufficient powers of eyesight to enable him or her to obtain a Class O
19 license and to operate a motor vehicle on the highways of this state with
20 a reasonable degree of safety. The Department of Motor Vehicles ~~may shall~~
21 adopt and promulgate rules and regulations:

22 (a) Requiring a minimum acuity level of vision. Such level may be
23 obtained through the use of standard eyeglasses, contact lenses, or
24 bioptic or telescopic lenses which are specially constructed vision
25 correction devices which include a lens system attached to or used in
26 conjunction with a carrier lens; and

27 (b) Requiring a minimum field of vision. Such field of vision may be
28 obtained through standard eyeglasses, contact lenses, or the carrier lens
29 of the bioptic or telescopic lenses.

30 (2) If a vision aid is used by the applicant to meet the vision

31 requirements of this section, the operator's license of the applicant
1 shall be restricted to the use of such vision aid when operating the
2 motor vehicle. If the applicant fails to meet the vision requirements,
3 the examiner shall require the applicant to present an optometrist's or
4 ophthalmologist's statement certifying the vision reading obtained when
5 testing the applicant within ninety days of the applicant's license
6 examination. If the vision reading meets the vision requirements
7 prescribed by the department, the vision requirements of this section
8 shall have been met. If the vision reading demonstrates that the
9 applicant is required to use bioptic or telescopic lenses to operate a
10 motor vehicle, the statement from the optometrist or ophthalmologist
11 shall also indicate when the applicant needs to be reexamined for
12 purposes of meeting the vision requirements for an operator's license as
13 prescribed by the department. If such time period is two years or more
14 after the date of the application, the license shall be valid for two
15 years. If such time period is less than two years, the license shall be
16 valid for such time period.

17 (3) If the applicant for an operator's license discloses that he or
18 she has any other physical impairment which may affect the safety of
19 operation by such applicant of a motor vehicle, the examiner shall
20 require the applicant to show cause why such license should be granted
21 and, through such personal examination and demonstration as may be
22 prescribed by the director, to show the necessary ability to safely
23 operate a motor vehicle on the highways. If the examiner is then
24 satisfied that such applicant has the ability to safely operate a motor
25 vehicle, an operator's license may be issued to the applicant subject, at
26 the discretion of the director, to a limitation to operate only such
27 motor vehicles at such time, for such purpose, and within such area as
28 the license shall designate.

29 (4)(a) The director may, when requested by a law enforcement
30 officer, when the director has reason to believe that a person may be
31 physically or mentally incompetent to operate a motor vehicle, or when a
1 person's driving record appears to the department to justify an
2 examination, give notice to the person to appear before an examiner or a
3 designee of the director for examination concerning the person's ability
4 to operate a motor vehicle safely. Any such request by a law enforcement
5 officer shall be accompanied by written justification for such request
6 and shall be approved by a supervisory law enforcement officer, police
7 chief, or county sheriff.

8 (b) A refusal to appear before an examiner or a designee of the
9 director for an examination after notice to do so shall be unlawful and
10 shall result in the immediate cancellation of the person's operator's
11 license by the director.

12 (c) If the person cannot qualify at the examination by an examiner,
13 his or her operator's license shall be immediately surrendered to the
14 examiner and forwarded to the director who shall cancel the person's
15 operator's license.

16 (d) If the director determines that the person lacks the physical or
17 mental ability to operate a motor vehicle, the director shall notify the

18 person in writing of the decision. Upon receipt of the notice, the person
 19 shall immediately surrender his or her operator's license to the director
 20 who shall cancel the person's operator's license.

21 (e) Refusal to surrender an operator's license on demand shall be
 22 unlawful, and any person failing to surrender his or her operator's
 23 license as required by this subsection shall be guilty of a Class III
 24 misdemeanor.

25 2. Renumber the remaining sections and correct the repealer
 26 accordingly.

LEGISLATIVE BILL 1130. Placed on General File with amendment.
 AM1844

1 1. Strike original section 2 and insert the following new sections:

2 Sec. 2. Section 49-1496, Reissue Revised Statutes of Nebraska, is
 3 amended to read:

4 49-1496 (1) The statement of financial interests filed pursuant to
 5 sections 49-1493 to 49-14,104 shall be on a form prescribed by the
 6 commission.

7 (2) Individuals required to file under sections 49-1493 to 49-1495
 8 shall file the following information for themselves:

9 (a) The name and address of and the nature of association with any
 10 business with which the individual was associated;

11 (b) The name and address of any entity in which a position of
 12 trustee was held;

13 (c)(i) (e) The name, address, and nature of business of a person or
 14 government body from whom any income in the value of one thousand dollars
 15 or more was received and the nature of the services rendered, except that
 16 the identification of patrons, customers, patients, or clients of such
 17 person from which employment income was received is not required; and

18 (ii) A designation of whether any income described in subdivision
 19 (i) of this subdivision was from a tax-exempt organization described in
 20 section 501(c)(3) or 501(c)(4) of the Internal Revenue Code as defined in
 21 section 49-801.01;

22 (d) A description, but not the value, of the following, if the fair
 23 market value thereof exceeded one thousand dollars:

24 (i) The nature and location of all real property in the state,
 25 except the residence of the individual;

26 (ii) The depository of checking and savings accounts;

27 (iii) The issuer of stocks, bonds, and government securities; and

1 (iv) A description of all other property owned or held for the
 2 production of income, except property owned or used by a business with
 3 which the individual was associated;

4 (e) The name and address of each creditor to whom the value of one
 5 thousand dollars or more was owed or guaranteed by the individual or a
 6 member of the individual's immediate family, except for the following:

7 (i) Accounts payable;

8 (ii) Debts arising out of retail installment transactions;

9 (iii) Loans made by financial institutions in the ordinary course of
 10 business;

11 (iv) Loans from a relative; and
 12 (v) Land contracts that have been properly recorded with the county
 13 clerk or the register of deeds;
 14 (f) The name, address, and occupation or nature of business of any
 15 person from whom a gift in the value of more than one hundred dollars was
 16 received, a description of the gift and the circumstances of the gift,
 17 and the monetary value category of the gift, based on a good faith
 18 estimate by the individual, reported in the following categories:
 19 (i) \$100.01 - \$200;
 20 (ii) \$200.01 - \$500;
 21 (iii) \$500.01 - \$1,000; and
 22 (iv) \$1,000.01 or more; and
 23 (g) Such other information as the individual or the commission deems
 24 necessary, after notice and hearing, to carry out the purposes of the
 25 Nebraska Political Accountability and Disclosure Act.
 26 Sec. 3. (1) Any tax-exempt organization described in section 501(c)
 27 (3) or 501(c)(4) of the Internal Revenue Code as defined in section
 28 49-801.01 from which any income required to be reported under section
 29 49-1496 was received by the Governor, the Lieutenant Governor, the
 30 Secretary of State, the Auditor of Public Accounts, the State Treasurer,
 31 the Attorney General, a member of the State Board of Education, a member
 1 of the Board of Regents of the University of Nebraska with the exception
 2 of student members, a member of the Public Service Commission, or a
 3 member of the Legislature shall file with the Nebraska Accountability and
 4 Disclosure Commission a copy of its most recent Schedule of Contributors,
 5 Schedule B, filed with the Internal Revenue Service on Form 990, 990-EZ,
 6 or 990-PF or any successor forms. No information other than social
 7 security numbers of contributors shall be redacted from such copy.
 8 (2) The filing required by subsection (1) of this section shall be
 9 filed no later than ten days after notification is received from the
 10 commission that the commission has identified such organization to be
 11 subject to this section.
 12 2. Renumber the remaining section and correct the repealer and
 13 internal references accordingly.

(Signed) John Murante, Chairperson

AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to LB389:
 AM2094

(Amendments to Standing Committee amendments, AM1456)

- 1 1. On page 4, line 13, strike "federal interstate highway" and
 2 insert "freeway as defined in section 39-1302 or the National System of
 3 Interstate and Defense Highways".
- 4 2. On page 7, line 11, strike "subsection (4)" and insert
 5 "subsections (4) and (5)".
- 6 3. On page 11, line 25, after the semicolon insert "and"; in line 30
 7 strike "; and" and insert an underscored period; and strike line 31 and

8 insert the following new subsection:

9 "(5)(a) Notwithstanding any other provision of the Small Wireless
10 Facilities Deployment Act, for any construction, operation, collocation,
11 maintenance, relocation, or placement of wireless facilities, utility
12 poles, or wireless support structures that occurs upon, above, across, or
13 under a state or federal highway or upon a state-owned utility pole or
14 wireless support structure, the application process, location, and
15 installation of such facilities, poles, or structures, as such pertain to
16 the present and future use of the right-of-way or state-owned poles or
17 wireless support structures for highway purposes, shall be subject to the
18 rules and regulations, guidance documents, and usual and customary
19 permitting requirements of the State of Nebraska and the Department of
20 Transportation, including, but not limited to, requirements for location
21 and design review, liability and automobile insurance, indemnification of
22 the department from liability, protection of public safety and property
23 interests, and compliance with federal transportation funding
24 requirements.
25 (b) Traffic signal utility poles and traffic control devices owned
26 by the Department of Transportation shall not be used for the collocation
1 of small wireless facilities under the Small Wireless Facilities
2 Deployment Act. State highway lighting utility poles may be used for
3 collocation of small wireless facilities only if: (i) There are
4 insufficient reasonable alternative collocation options at or near the
5 requested location; (ii) the small wireless facilities can be safely
6 installed, operated, and maintained; and (iii) the collocation of the
7 small wireless facilities will not violate reasonable wind, ice, weight,
8 and seismic loading requirements on state highway lighting utility poles.
9 (c) Applicants that collocate small wireless facilities on state
10 highway lighting utility poles assume the risk of loss or damage to, or
11 loss of use of, such facilities when such poles are damaged, destroyed,
12 or taken out of service on state property, except to the extent that such
13 loss or damage is due to or caused by the negligence or willful
14 misconduct of the Department of Transportation or its employees,
15 contractors, or agents. This subdivision does not preclude claims against
16 entities other than the Department of Transportation.
17 (d) The construction, operation, maintenance, collocation, or
18 placement of wireless facilities, utility poles, or wireless support
19 structures shall occur at no cost to the Department of Transportation
20 unless otherwise agreed in advance between an applicant and the
21 department.
22 (e) The Department of Transportation may set and collect a
23 reasonable application fee to cover its costs in administering the
24 activities described in this subsection, as well as a uniform and
25 nondiscriminatory system of annual occupancy rates for the use and
26 occupancy of state-owned property.
27 (f) If the future maintenance or construction of a state or federal
28 highway by the Department of Transportation requires the moving or
29 relocating of wireless facilities, utility poles, or wireless support
30 structures, such facilities, poles, or structures shall be removed or

31 relocated by the owner at the owner's expense and as directed by the
1 department."
2 4. On page 12, strike lines 1 through 26; and in line 27 strike
3 "(5)" and insert "(6)".
4 5. On page 13, line 4, strike "and (4)" and insert "through (5)";
5 and in line 5 strike "(6)" and insert "(7)".

Senator Friesen filed the following amendment to LB389:
AM2032

(Amendments to Standing Committee amendments, AM1456)

1 1. On page 13, lines 9 and 11, strike "ninety" and insert "sixty".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Riepe name added to LB1040.

MOTION(S) - Print in Journal

Senator Murante filed the following motion to LB350:
MO230

Recommit to the Government, Military and Veterans Affairs Committee.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 78, 285, 345, 472, 480, 486, 618, 710, 744, 757, 310, 275, and 758.

VISITORS

Visitors to the Chamber were 20 members of the National Utility Contractors Association of Nebraska; 20 high school students from Scottsbluff; 18 members of the Nebraska Civic Leadership Program from Omaha Public High Schools; 54 fourth-grade students from David City; 25 members of the Nebraska State Bar Association Leadership Academy; and 60 students from Ashland Greenwood Elementary.

The Doctor of the Day was Dr. Josephine Kerk from Omaha.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator McDonnell, the Legislature adjourned until 9:00 a.m., Monday, February 26, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-THIRD DAY - FEBRUARY 26, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 26, 2018

PRAYER

The prayer was offered by Pastor Coral Parmenter, Wisner United Methodist Church of Christ, Wisner.

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 Groene, Hansen, Vargas, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 23, 2018, at 12:13 p.m. were the following: LBs 78, 285, 345, 472, 480, 486, 618, 710, 744, 757, 310, 275, and 758e.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 808. Placed on General File with amendment.
AM1907

- 1 1. Strike original sections 5 and 6.
- 2 2. Insert the following new sections:
- 3 Sec. 5. Section 2-1506, Revised Statutes Cumulative Supplement,
- 4 2016, is amended to read:
- 5 2-1506 (1) The goals of the Water Sustainability Fund are to: (a)
- 6 Provide financial assistance to programs, projects, or activities that

7 increase aquifer recharge, reduce aquifer depletion, and increase
8 streamflow; (b) remediate or mitigate threats to drinking water; (c)
9 promote the goals and objectives of approved integrated management plans
10 or ground water management plans; (d) contribute to multiple water supply
11 management goals including flood control, reducing threats to property
12 damage, agricultural uses, community garden purposes pursuant to the
13 Community Food Production Act, municipal and industrial uses,
14 recreational benefits, wildlife habitat, conservation, and preservation
15 of water resources; (e) assist municipalities with the cost of
16 constructing, upgrading, developing, and replacing sewer infrastructure
17 facilities as part of a combined sewer overflow project; (f) provide
18 increased water productivity and enhance water quality; (g) use the most
19 cost-effective solutions available; and (h) comply with interstate
20 compacts, decrees, other state contracts and agreements and federal law.
21 (2) The Legislature finds that the goals of the Water Sustainability
22 Fund can be met by equally considering programs, projects, or activities
23 in the following categories: (a) Research, data, and modeling; (b)
24 rehabilitation or restoration of water supply infrastructure, new water
25 supply infrastructure, or water supply infrastructure maintenance or
26 flood prevention for protection of critical infrastructure; (c)
27 conjunctive management, storage, and integrated management of ground
1 water and surface water; and (d) compliance with interstate compacts or
2 agreements or other formal state contracts or agreements or federal law.
3 Sec. 6. Section 2-1508, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:
5 2-1508 The commission shall rank and score applications for funding
6 based on criteria that demonstrate the extent to which a program,
7 project, or activity:
8 (1) Remediate or mitigates threats to drinking water;
9 (2) Meets the goals and objectives of an approved integrated
10 management plan or ground water management plan;
11 (3) Contributes to water sustainability goals by increasing aquifer
12 recharge, reducing aquifer depletion, or increasing streamflow;
13 (4) Contributes to multiple water supply management goals,
14 including, but not limited to, flood control, agricultural use, community
15 garden purposes pursuant to the Community Food Production Act, municipal
16 and industrial uses, recreational benefits, wildlife habitat,
17 conservation of water resources, and preservation of water resources;
18 (5) Maximizes the beneficial use of Nebraska's water resources for
19 the benefit of the state's residents;
20 (6) Is cost-effective;
21 (7) Helps the state meet its obligations under interstate compacts,
22 decrees, or other state contracts or agreements or federal law;
23 (8) Reduces threats to property damage or protects critical
24 infrastructure that consists of the physical assets, systems, and
25 networks vital to the state or the United States such that their
26 incapacitation would have a debilitating effect on public security or
27 public health and safety;
28 (9) Improves water quality;

29 (10) Has utilized all available funding resources of the local
30 jurisdiction to support the program, project, or activity;
31 (11) Has a local jurisdiction with plans in place that support
1 sustainable water use;
2 (12) Addresses a statewide problem or issue;
3 (13) Contributes to the state's ability to leverage state dollars
4 with local or federal government partners or other partners to maximize
5 the use of its resources;
6 (14) Contributes to watershed health and function; and
7 (15) Uses objectives described in the annual report and plan of work
8 for the state water planning and review process issued by the department.
9 3. On page 2, line 3, strike the new matter.
10 4. On page 3, strike lines 11 and 12; in line 13 strike "(4)" and
11 insert "(2)"; in lines 17 and 19 strike the new matter and reinstate the
12 stricken matter; in line 21 strike "(7)" and insert "(5)"; in line 24
13 strike "(8)" and insert "(6)"; and in line 27 strike "(9)" and insert
14 "(7)".
15 5. Renumber the remaining sections accordingly.

(Signed) Lydia Brasch, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services

Room 1510

Thursday, March 8, 2018 12:00 p.m.

Matthew A. Van Patton - Division of Medicaid and Long Term Care-
Department of Health and Human Services

(Signed) Merv Riepe, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR317 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the
Speaker signed the following: LR317.

GENERAL FILE

LEGISLATIVE BILL 931. Title read. Considered.

Committee AM1849, found on page 607, was offered.

Senator Chambers offered the following motion:

MO231

Bracket until April 18, 2018.

Senator Chambers withdrew his motion to bracket.

The committee amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Larson offered the following amendment:

AM2115

(Amendments to Standing Committee amendments, AM1849)

1 1. On page 3, after line 19 insert the following new subsection:

2 "(2) In order to have access to the fundamental right to health

3 care, an individual who does not have a valid driver's or operator's

4 license or state identification card needs access to a state

5 identification card for purposes of this section. In order to have such

6 identification available at the appropriate time, any individual who does

7 not have a valid driver's or operator's license or state identification

8 card may apply to the Department of Motor Vehicles for a state

9 identification card at any time and for any purpose which shall be issued

10 at no cost."; and in line 20 strike "(2)" and insert "(3)".

Senator Larson withdrew his amendment.

Senator Howard moved for a call of the house. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Senator Howard requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Briese Friesen

Advanced to Enrollment and Review Initial with 47 ayes, 0 nays, and 2 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)
Judiciary

LEGISLATIVE BILL 695. Placed on General File.

LEGISLATIVE BILL 1132. Placed on General File with amendment.
AM1971

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

3 Section 1. (1) For purposes of this section:

4 (a) Prostitution-related offense includes:

5 (i) Prostitution under section 28-801, solicitation of prostitution
6 under section 28-801.01, keeping a place of prostitution under section
7 28-804, public indecency under section 28-806, or loitering for the
8 purpose of engaging in prostitution or related or similar offenses under
9 local ordinances; and

10 (ii) Attempt, conspiracy, solicitation, being an accessory to,
11 aiding and abetting, aiding the consummation of, or compounding a felony
12 with any of the offenses in subdivision (1)(a) of this section as the
13 underlying offense;

14 (b) Trafficker means a person who engages in sex trafficking or sex
15 trafficking of a minor as defined in section 28-830; and

16 (c) Victim of sex trafficking means a person subjected to sex
17 trafficking or sex trafficking of a minor, as those terms are defined in
18 section 28-830.

19 (2) At any time following the date of the conviction or
20 adjudication, a victim of sex trafficking convicted in county or district
21 court of, or adjudicated in a juvenile court for (a) a prostitution-
22 related offense or (b) any other offense committed as a direct result of,
23 or incident to, being a victim of sex trafficking may file a petition to
24 set aside such conviction or adjudication. The petition shall be filed in
25 the county or district court of the county in which charges were filed or
26 the petitioner was convicted or adjudicated. The prosecuting attorney
27 shall be named as respondent and shall be served with a copy of the
1 petition.

2 (3)(a) The court shall grant a petition to set aside a conviction or
3 adjudication for a prostitution-related offense if the court finds that
4 the petitioner was a victim of sex trafficking at the time of the offense
5 or if the court finds that the petitioner's participation in the offense
6 was otherwise incidental to being a victim of sex trafficking.

7 (b) The court shall grant a petition to set aside a conviction or
8 adjudication for an offense other than a prostitution-related offense if
9 the court finds that the petitioner's participation in the offense was a
10 direct result of or incidental to being a victim of sex trafficking.

11 (4) The court shall find that the petitioner is a victim of sex
12 trafficking if the petitioner submits to the court:
13 (a) A copy of an official record, certification, or eligibility
14 letter from a federal, state, tribal, or local proceeding, including an
15 approval notice or an enforcement certification generated from a federal
16 immigration proceeding, that shows that the petitioner is a victim of sex
17 trafficking; or
18 (b) An affidavit or sworn testimony from an attorney, a member of
19 the clergy, a medical professional, a trained professional staff member
20 of a victim services organization, or other professional from whom the
21 petitioner has sought legal counsel or other assistance in addressing the
22 trauma associated with being a victim of sex trafficking.
23 (5) In considering whether the petitioner is a victim of sex
24 trafficking, the court may consider any other evidence the court
25 determines is of sufficient credibility and probative value, including an
26 affidavit or sworn testimony. Examples of such evidence include, but are
27 not limited to:
28 (a) Branding or other tattoos on the petitioner that identified him
29 or her as having a trafficker;
30 (b) Testimony or affidavits from those with firsthand knowledge of
31 the petitioner's involvement in the commercial sex trade such as
1 solicitors of commercial sex, family members, hotel workers, and other
2 individuals trafficked by the same individual or group of individuals who
3 trafficked the petitioner;
4 (c) Financial records showing profits from the commercial sex trade,
5 such as records of hotel stays, employment at indoor venues such as
6 massage parlors or strip clubs, or employment at an escort service;
7 (d) Internet listings, print advertisements, or business cards used
8 to promote the petitioner for commercial sex; or
9 (e) Email, text, or voicemail records between the petitioner, the
10 trafficker, or solicitors of sex that reveal aspects of the sex trade
11 such as behavior patterns, meeting times, or payments or examples of the
12 trafficker exerting force, fraud, or coercion over the petitioner.
13 (6) Upon request of a petitioner, any hearing relating to the
14 petition shall be conducted in camera. The rules of evidence shall not
15 apply at any hearing relating to the petition.
16 (7) An order setting aside a conviction or adjudication under this
17 section shall:
18 (a) Nullify the conviction or adjudication; and
19 (b) Remove all civil disabilities and disqualifications imposed as a
20 result of the conviction or adjudication.
21 (8) The setting aside of a conviction in accordance with this
22 section shall not:
23 (a) Require the reinstatement of any office, employment, or position
24 which was previously held and lost or forfeited as a result of the
25 conviction or adjudication; or
26 (b) Preclude proof of a plea of guilty in a criminal proceeding or
27 an admission of responsibility in a juvenile proceeding whenever such
28 plea or admission is relevant to the determination of an issue involving

29 the rights or liabilities of someone other than the petitioner.

30 Sec. 2. Section 29-3523, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 29-3523 (1) After the expiration of the periods described in
2 subsection (3) of this section or after the granting of a motion under
3 subsection (4) of this section, a criminal justice agency shall respond
4 to a public inquiry in the same manner as if there were no criminal
5 history record information and criminal history record information shall
6 not be disseminated to any person other than a criminal justice agency,
7 except as provided in subsection (2) of this section or when the subject
8 of the record:

9 (a) Is currently the subject of prosecution or correctional control
10 as the result of a separate arrest;

11 (b) Is currently an announced candidate for or holder of public
12 office;

13 (c) Has made a notarized request for the release of such record to a
14 specific person; or

15 (d) Is kept unidentified, and the record is used for purposes of
16 surveying or summarizing individual or collective law enforcement agency
17 activity or practices, or the dissemination is requested consisting only
18 of release of criminal history record information showing (i) dates of
19 arrests, (ii) reasons for arrests, and (iii) the nature of the
20 dispositions including, but not limited to, reasons for not prosecuting
21 the case or cases.

22 (2) That part of criminal history record information described in
23 subsection (5) ~~(4)~~ of this section may be disseminated to individuals and
24 agencies for the express purpose of research, evaluative, or statistical
25 activities pursuant to an agreement with a criminal justice agency that
26 specifically authorizes access to the information, limits the use of the
27 information to research, evaluative, or statistical activities, and
28 ensures the confidentiality and security of the information.

29 (3) Except as provided in subsections (1) and (2) of this section,
30 in the case of an arrest, citation in lieu of arrest, or referral for
31 prosecution without citation, all criminal history record information
1 relating to the case shall be removed from the public record as follows:

2 (a) When no charges are filed as a result of the determination of
3 the prosecuting attorney, the criminal history record information shall
4 not be part of the public record after one year from the date of arrest,
5 citation in lieu of arrest, or referral for prosecution without citation;

6 (b) When charges are not filed as a result of a completed diversion,
7 the criminal history record information shall not be part of the public
8 record after two years from the date of arrest, citation in lieu of
9 arrest, or referral for prosecution without citation; and

10 (c) When charges are filed, but the case is dismissed by the court
11 (i) on motion of the prosecuting attorney, (ii) as a result of a hearing
12 not the subject of a pending appeal, (iii) after acquittal, or (iv) after
13 completion of a program prescribed by a drug court or any other problem
14 solving court approved by the Supreme Court, the criminal history record
15 information shall not be part of the public record immediately upon

16 notification of a criminal justice agency after acquittal pursuant to
17 subdivision (3)(c)(iii) of this section or after the entry of an order
18 dismissing the case.
19 (4) Upon the granting of a petition to set aside a conviction or
20 adjudication pursuant to section 1 of this act, a person who is a victim
21 of sex trafficking, as defined in section 1 of this act, may file a
22 motion with the sentencing court for an order to seal the criminal
23 history record information related to such conviction or adjudication.
24 Upon a finding that a court issued an order setting aside such conviction
25 or adjudication pursuant to section 1 of this act, the sentencing court
26 shall grant the motion and issue an order as provided in subsection (5)
27 of this section.
28 ~~(5)~~ ~~(4)~~ Upon acquittal, ~~or~~ entry of an order dismissing a case
29 described in subdivision (3)(c) of this section, or after granting a
30 motion under subsection (4) of this section, the court shall:
31 (a) Order that all records, including any information or other data
1 concerning any proceedings relating to the case, including the arrest,
2 taking into custody, petition, complaint, indictment, information, trial,
3 hearing, adjudication, correctional supervision, dismissal, or other
4 disposition or sentence, are not part of the public record and shall not
5 be disseminated to persons other than criminal justice agencies, except
6 as provided in subsection (1) or (2) of this section;
7 (b) Send notice of the order (i) to the Nebraska Commission on Law
8 Enforcement and Criminal Justice, (ii) to the Nebraska State Patrol, and
9 (iii) to law enforcement agencies, county attorneys, and city attorneys
10 referenced in the court record;
11 (c) Order all parties notified under subdivision ~~(5)(b)~~ ~~(4)(b)~~ of
12 this section to seal all records pertaining to the case; and
13 (d) If the case was transferred from one court to another, send
14 notice of the order to seal the record to the transferring court.
15 (5) In any application for employment, bonding, license, education,
16 or other right or privilege, any appearance as a witness, or any other
17 public inquiry, a person cannot be questioned with respect to any offense
18 for which the record is sealed. If an inquiry is made in violation of
19 this subsection, the person may respond as if the offense never occurred.
20 (6) Any person arrested due to the error of a law enforcement agency
21 may file a petition with the district court for an order to expunge the
22 criminal history record information related to such error. The petition
23 shall be filed in the district court of the county in which the
24 petitioner was arrested. The county attorney shall be named as the
25 respondent and shall be served with a copy of the petition. The court may
26 grant the petition and issue an order to expunge such information if the
27 petitioner shows by clear and convincing evidence that the arrest was due
28 to error by the arresting law enforcement agency.
29 Sec. 3. Original section 29-3523, Reissue Revised Statutes of
30 Nebraska, is repealed.

(Signed) Laura Ebke, Chairperson

Urban Affairs

LEGISLATIVE BILL 986. Placed on General File with amendment.

AM1958

- 1 1. On page 2, line 8, strike the second "and"; in line 11 after
 2 "improvements" insert ", and to supplement, but not reduce, the level of
 3 government services provided"; and in line 27 strike "city of the
 4 metropolitan class".
- 5 2. On page 4, line 6, strike "and" and insert the following new
 6 subdivision:
 7 "(7) Establishing or assisting with neighborhood cleanup, litter
 8 cleanup, recycling, or other trash abatement programs; and"; and in line
 9 7 strike "(7)" and insert "(8)".
- 10 3. On page 5, line 7, after the period insert "A majority of the
 11 members of the board shall be residents of the neighborhood"; and in
 12 line 16 after "section" insert "9 or".
- 13 4. On page 7, line 3, strike "ten" and insert "thirty"; in line 4
 14 strike "sections" and insert "section 9"; in line 6 strike "One
 15 publication" and insert "Two publications"; in line 7 after
 16 "municipality" insert "with the second notice published no later than ten
 17 days prior to the hearing"; and in line 29 after "section" insert "9 or".
- 18 5. On page 8, lines 25, 27, and 29, after "boundaries" insert "or
 19 change the functions or provisions".
- 20 6. On page 9, line 2, strike "district" and insert "the" and after
 21 "boundaries" insert "or change the functions or provisions of an existing
 22 neighborhood improvement district"; in lines 7 and 8 strike "neighborhood
 23 improvement district" and insert "the"; in line 8 after "boundaries"
 24 insert "or change the functions or provisions of an existing neighborhood
 25 improvement district"; in line 21 after "boundaries" insert "or change
 26 the functions or provisions"; in line 23 after "boundaries" insert "or
 27 change the functions or provisions of any district or districts"; in line
 1 26 after "expanded" insert "or otherwise changed"; and in line 31 after
 2 "boundaries" insert "or changed functions or provisions".
- 3 7. On page 10, line 1, after "expansion" insert "or changed
 4 functions or provisions"; in line 4 after "boundaries" insert "or changed
 5 functions or provisions"; and in line 29 after "by" insert "(1)".
- 6 8. On page 11, line 2, after "municipality" insert ", and (2)
 7 mailing a copy of the notice of hearing to each owner of taxable property
 8 subject to the proposed special assessment as shown on the current tax
 9 rolls of the county treasurer for such county".

(Signed) Justin Wayne, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 326. Introduced by Stinner, 48.

WHEREAS, Paul Garcia and Garrett Nelson, students on the Scottsbluff High School wrestling team, each captured a first place finish at the 2018

Class B State Wrestling Championship. Paul, a freshman, won the title in the 106-pound division. Garrett, a junior, won the title in the 285-pound division; and

WHEREAS, Austin Garcia, a student on the Morrill High School wrestling team, captured a first place finish at the 2018 Class D State Wrestling Championship. Austin, a junior, won the title in the 152-pound division; and

WHEREAS, with these first place finishes, Paul, Garrett, and Austin helped their teams finish in the top ten at state; 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 Paul Garcia, Garrett Nelson, and Austin Garcia on their state wrestling championships.

2. That copies of this resolution be sent to Paul Garcia, Garrett Nelson, and Austin Garcia.

Laid over.

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.

Roderick Todd Bartee - Nebraska Child Abuse Prevention Fund Board

Paul J. Nelson - Nebraska Child Abuse Prevention Fund Board

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

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.

Robert L. Newman - Commission for the Blind and Visually Impaired

Becky D. Rieken - Commission for the Blind and Visually Impaired

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

(Signed) Merv Riepe, Chairperson

AMENDMENT(S) - Print in Journal

Senator McDonnell filed the following amendment to LB1084:
AM2082

(Amendments to Standing Committee amendments, AM2037)

- 1 1. On page 2, strike beginning with "the" in line 7 through
- 2 "district's" in line 8 and insert "its".

Senator McDonnell filed the following amendment to LB1084:
AM2083

(Amendments to Standing Committee amendments, AM2037)

- 1 1. On page 3, line 20, after "and" insert "the".

Senator McDonnell filed the following amendment to LB1084:
AM2084

(Amendments to Standing Committee amendments, AM2037)

- 1 1. On page 4, line 20, strike "the school district's" and insert
- 2 "its".

Senator McDonnell filed the following amendment to LB1084:
AM2085

- 1 1. On page 4, line 5, strike the second occurrence of "the" and
- 2 insert "such"; and in lines 8 and 10 strike "the" and insert "such".

Senator Wayne filed the following amendment to LB874:
AM2057

(Amendments to Standing Committee amendments, AM1823)

- 1 1. On page 27, line 19, after "conduct" insert "or cause to be
- 2 conducted".

GENERAL FILE

LEGISLATIVE BILL 1078. Title read. Considered.

Senator Chambers offered the following motion:
MO232

Bracket until April 18, 2018.

Senator Chambers withdrew his motion to bracket.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, and 12 present and not voting.

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 1040. Placed on General File with amendment.
AM1995

- 1 1. On page 2, line 13, after "event" insert ".Certificate does not
- 2 include a commemorative certificate"; after line 18 insert the following
- 3 new subdivision:

4 "(4) Commemorative certificate means a document commemorating a
 5 nonviable birth"; in line 19 strike "(4)", show as stricken, and insert
 6 "(5)"; in line 21 strike "(5)" and insert "(6)"; in line 24 after "(1)"
 7 insert "(a)"; in line 28 after the second "a" insert "commemorative"; in
 8 line 30 strike "certifying" and insert "verifying"; and in line 31 after
 9 the period insert "The health care practitioner may delegate this duty to
 10 his or her designee. In lieu of a letter, the health care practitioner or
 11 his or her designee may provide the patient with a form provided by the
 12 department pursuant to subdivision (b) of this subsection and executed by
 13 the health care practitioner or his or her designee.
 14 (b) The department shall provide on its web site a form to be
 15 executed by a health care practitioner or his or her designee affirming
 16 that a patient experienced a nonviable birth that the health care
 17 practitioner attended or diagnosed."
 18 2. On page 2, line 29; and page 3, lines 2, 5, and 10, strike "of
 19 nonviable birth".
 20 3. On page 3, line 1, after "letter" insert "or executed form"; in
 21 lines 2, 4, 5, 7, 9, 14, 15, and 17, before "certificate" insert
 22 "commemorative"; and in line 12 before both occurrences of "certificate"
 23 insert "commemorative".

(Signed) Merv Riepe, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 439A. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 439, One Hundred Fifth Legislature, Second Session, 2018.

GENERAL FILE

LEGISLATIVE BILL 158. Committee AM145, found on page 426 and considered on page 1016, First Session, 2017, was renewed.

Senator Hughes withdrew his motion, MO87, found on page 1027, First Session, 2017, to bracket until June 2, 2017.

Senator Chambers offered the following motion:
 MO233
 Bracket until April 18, 2018.

Senator Chambers withdrew his motion to bracket.

Senator Pansing Brooks withdrew her amendment, AM996, found on page 1016 and reconsidered on pages 1018 and 1027, First Session, 2017.

Senator Pansing Brooks withdrew her amendment, AM1772, found on page 516.

Senator Groene offered the following motion:

MO234

Bracket until April 18, 2018.

Pending.

AMENDMENT(S) - Print in Journal

Senator Harr filed the following amendment to LB295:

AM2125

(Amendments to Standing Committee amendments, AM1418)

- 1 1. On page 2, line 25, strike "or"; and in line 26 after the comma
- 2 insert "or a student's special or additional educational needs, no matter
- 3 the cost.".

Senator Harr filed the following amendment to LB295:

AM2119

(Amendments to Standing Committee amendments, AM1418)

- 1 1. On page 2, line 25, strike "or"; and in line 26 after the comma
- 2 insert "or religion.".

Senator Harr filed the following amendment to LB295:

AM2120

(Amendments to Standing Committee amendments, AM1418)

- 1 1. On page 2, line 25, strike "or"; and in line 26 after the comma
- 2 insert "sexual orientation, or gender identity.".

Senator Harr filed the following amendment to LB295:

AM2121

(Amendments to Standing Committee amendments, AM1418)

- 1 1. On page 2, line 25, strike "or"; and in line 26 after the comma
- 2 insert "or native language.".

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Bostelman name added to LB1069.

Senator Hilkemann name added to LB1069.

WITHDRAW - Cointroducer(s)

Senator Groene name withdrawn from LB477.

ANNOUNCEMENT

Senator Hughes announced the Natural Resources Committee will hold an executive session Tuesday, February 27, 2018, at 10:00 a.m., under the north balcony.

VISITORS

Visitors to the Chamber were Doane College Leadership students from Crete; and Senator Scheer's wife, Kris, and granddaughter, Stella, from Omaha.

MOTION - Adjournment

Senator Morfeld moved to adjourn until 9:00 a.m., Tuesday, February 27, 2018.

Senator Pansing Brooks requested a machine vote on the motion to adjourn.

The Morfeld motion to adjourn prevailed with 31 ayes, 3 nays, 13 present and not voting, and 2 excused and not voting, and at 11:56 a.m., the Legislature adjourned until 9:00 a.m., Tuesday, February 27, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FOURTH DAY - FEBRUARY 27, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 27, 2018

PRAYER

The prayer was offered by Pastor Les Parmenter, Trinity United Methodist Church, West Point.

ROLL CALL

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

The roll was called and all members were present except Senator Hilgers who was excused; and Senators Briese, Hansen, Krist, Morfeld, Vargas, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 743. Placed on Final Reading.

ST43

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

1. In the Harr amendment, AM2066:
 - a. Sections 28 to 33 have been renumbered as sections 30 to 35; and
 - b. On page 1, line 4, "30 to 33" has been struck and "32 to 35" inserted.
2. On page 1, the matter beginning with "insurance" in line 1 through line 11 and all amendments thereto have been struck and "insurance; to amend sections 44-2607, 44-2614, 44-3905, 44-3908, 44-4053, 44-4056, and 44-4521, Reissue Revised Statutes of Nebraska, and sections 44-4068, 44-8105, 44-8108, 44-8601, and 44-8602, Revised Statutes Cumulative Supplement, 2016; to adopt the Public Adjusters Licensing Act; to change the certification of continuing education activities as prescribed; to redefine terms relating to insurance consultants; to redefine a term and change requirements relating to insurance producers under the Nebraska Protection

in Annuity Transactions Act; to redefine a term, to provide contract requirements for assignment of rights and benefits, to require notice as prescribed, and to declare certain contracts void under the Insured Homeowners Protection Act; to eliminate a requirement for rules and regulations; to eliminate preclicensing education requirements; to harmonize provisions; to repeal the original sections; and to outright repeal sections 44-3911, 44-3912, and 44-3913, Reissue Revised Statutes of Nebraska, and sections 44-3909 and 44-3910, Revised Statutes Cumulative Supplement, 2016." inserted.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs 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.

Tom Carlson - Nebraska Accountability and Disclosure Commission

Aye: 7 Blood, Brewer, Briese, Hilgers, Lowe, Murante, Wayne. Nay: 0. Absent: 1 Thibodeau. Present and not voting: 0.

The Government, Military and Veterans Affairs 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.

Marty Callahan - Nebraska Accountability and Disclosure Commission

Aye: 7 Blood, Brewer, Briese, Hilgers, Lowe, Murante, Wayne. Nay: 0. Absent: 1 Thibodeau. Present and not voting: 0.

The Government, Military and Veterans Affairs 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.

Patrick Guinan - State Personnel Board

Aye: 7 Blood, Brewer, Briese, Hilgers, Lowe, Murante, Wayne. Nay: 0. Absent: 1 Thibodeau. Present and not voting: 0.

(Signed) John Murante, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 327. Introduced by Hughes, 44.

WHEREAS, Aaron Hinojosa, a senior at Chase County High School, won the 220-pound division at the 2018 Class C State Wrestling Championship; and

WHEREAS, Aaron celebrated an undefeated 48-0 season; and

WHEREAS, Aaron won the semifinal match with a score of 6-2 and ended each of his other three matches at the championship, including the title round, with a pin before the third period; 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 Aaron Hinojosa on his state wrestling championship.
2. That a copy of this resolution be sent to Aaron Hinojosa.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1121A. Introduced by Larson, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1121, One Hundred Fifth Legislature, Second Session, 2018.

MOTION(S) - Confirmation Report(s)

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 699:

Environmental Quality Council
Michelle Bucklin

Voting in the affirmative, 37:

Albrecht	Clements	Hughes	McDonnell	Thibodeau
Baker	Ebke	Kolowski	Murante	Vargas
Blood	Erdman	Kolterman	Pansing Brooks	Wayne
Bolz	Friesen	Larson	Quick	Williams
Bostelman	Halloran	Lindstrom	Scheer	Wishart
Brasch	Harr	Linehan	Schumacher	
Brewer	Hilkemann	Lowe	Smith	
Chambers	Howard	McCollister	Stinner	

Voting in the negative, 0.

Present and not voting, 6:

Crawford	Groene	Riepe
Geist	Kuehn	Walz

Excused and not voting, 6:

Briese	Hilgers	Morfeld
Hansen	Krist	Watermeier

The appointment was confirmed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 699:

Game and Parks Commission
Scott L. Cassels

Voting in the affirmative, 37:

Albrecht	Crawford	Howard	McDonnell	Vargas
Baker	Ebke	Hughes	Pansing Brooks	Walz
Blood	Erdman	Kolowski	Quick	Wayne
Bolz	Friesen	Kolterman	Riepe	Williams
Bostelman	Geist	Larson	Scheer	Wishart
Brasch	Groene	Lindstrom	Schumacher	
Chambers	Halloran	Linehan	Smith	
Clements	Harr	Lowe	Thibodeau	

Voting in the negative, 0.

Present and not voting, 6:

Brewer	Kuehn	Murante
Hilkemann	McCollister	Stinner

Excused and not voting, 6:

Briese	Hilgers	Morfeld
Hansen	Krist	Watermeier

The appointment was confirmed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Senator Friesen moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 701:

Motor Vehicle Industry Licensing Board
Eric Bigler

Voting in the affirmative, 31:

Albrecht	Clements	Hughes	Pansing Brooks	Walz
Baker	Ebke	Kolowski	Quick	Wayne
Blood	Friesen	Krist	Riepe	Wishart
Bolz	Geist	Larson	Schumacher	
Bostelman	Groene	Lowe	Stinner	
Brasch	Halloran	McDonnell	Thibodeau	
Chambers	Howard	Murante	Vargas	

Voting in the negative, 0.

Present and not voting, 13:

Brewer	Harr	Kuehn	McCollister	Williams
Crawford	Hilkemann	Lindstrom	Scheer	
Erdman	Kolterman	Linehan	Smith	

Excused and not voting, 5:

Briese	Hansen	Hilgers	Morfeld	Watermeier
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The appointment was confirmed with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Senator Friesen moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on pages 701 and 702:

Board of Public Roads Classifications and Standards
Barbara J. Keegan
James Litchfield
Mick Syslo
Edward R. Wootton Sr.

Voting in the affirmative, 32:

Albrecht	Erdman	Krist	Riepe	Walz
Blood	Friesen	Kuehn	Scheer	Watermeier
Bostelman	Halloran	Larson	Schumacher	Williams
Brasch	Hilkemann	Lowe	Smith	Wishart
Chambers	Howard	McDonnell	Stinner	
Clements	Kolowski	Murante	Thibodeau	
Ebke	Kolterman	Pansing Brooks	Vargas	

Voting in the negative, 0.

Present and not voting, 13:

Baker	Crawford	Harr	Linehan	Wayne
Bolz	Geist	Hughes	McCollister	
Brewer	Groene	Lindstrom	Quick	

Excused and not voting, 4:

Briese	Hansen	Hilgers	Morfeld
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The appointments were confirmed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Senator Brasch moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 710:

Climate Assessment Response Committee
Richard (Rick) Rasby

Voting in the affirmative, 25:

Baker	Friesen	Krist	Riepe	Thibodeau
Blood	Groene	Larson	Scheer	Vargas
Brasch	Halloran	Lowe	Schumacher	Watermeier
Chambers	Hilkemann	Murante	Smith	Williams
Erdman	Howard	Pansing Brooks	Stinner	Wishart

Voting in the negative, 0.

Present and not voting, 18:

Albrecht	Crawford	Hughes	Linehan	Walz
Bolz	Ebke	Kolowski	McCollister	Wayne
Bostelman	Geist	Kolterman	McDonnell	
Brewer	Harr	Lindstrom	Quick	

Excused and not voting, 6:

Briese	Hansen	Kuehn
Clements	Hilgers	Morfeld

The appointment was confirmed with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Senator Brasch moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 710:

Climate Assessment Response Committee
Carl Sousek

Voting in the affirmative, 27:

Baker	Erdman	Larson	Riepe	Watermeier
Blood	Friesen	Linehan	Scheer	Williams
Brasch	Groene	Lowe	Schumacher	Wishart
Chambers	Halloran	McDonnell	Smith	
Crawford	Harr	Murante	Stinner	
Ebke	Hilkemann	Pansing Brooks	Thibodeau	

Voting in the negative, 0.

Present and not voting, 15:

Albrecht	Brewer	Hughes	Lindstrom	Vargas
Bolz	Geist	Kolowski	McCollister	Walz
Bostelman	Howard	Kolterman	Quick	Wayne

Excused and not voting, 7:

Briese	Hansen	Krist	Morfeld
Clements	Hilgers	Kuehn	

The appointment was confirmed with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Senator Albrecht moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 729:

Boiler Safety Code Advisory Board
Johnie Jason Girmus

Voting in the affirmative, 26:

Albrecht	Erdman	Larson	Riepe	Watermeier
Baker	Friesen	Linehan	Scheer	Williams
Blood	Groene	Lowe	Schumacher	
Brasch	Harr	McDonnell	Smith	
Chambers	Howard	Murante	Stinner	
Ebke	Kolterman	Pansing Brooks	Thibodeau	

Voting in the negative, 0.

Present and not voting, 16:

Bolz	Geist	Kolowski	Vargas
Bostelman	Halloran	Lindstrom	Walz
Brewer	Hilkemann	McCollister	Wayne
Crawford	Hughes	Quick	Wishart

Excused and not voting, 7:

Briese	Hansen	Krist	Morfeld
Clements	Hilgers	Kuehn	

The appointment was confirmed with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Senator Albrecht moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 729:

Commission of Industrial Relations
Patricia L. Vannoy

Voting in the affirmative, 27:

Albrecht	Erdman	Lindstrom	Riepe	Vargas
Baker	Groene	Linehan	Scheer	Watermeier
Blood	Halloran	Lowe	Schumacher	Wishart
Chambers	Hilkemann	McDonnell	Smith	
Crawford	Howard	Murante	Stinner	
Ebke	Kolterman	Pansing Brooks	Thibodeau	

Voting in the negative, 0.

Present and not voting, 15:

Bolz	Brewer	Harr	Larson	Walz
Bostelman	Friesen	Hughes	McCollister	Wayne
Brasch	Geist	Kolowski	Quick	Williams

Excused and not voting, 7:

Briese	Hansen	Krist	Morfeld
Clements	Hilgers	Kuehn	

The appointment was confirmed with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Senator Albrecht moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 729:

Commission of Industrial Relations
Joel Carlson

Voting in the affirmative, 26:

Albrecht	Ebke	Linehan	Schumacher	Williams
Baker	Groene	Lowe	Smith	Wishart
Blood	Halloran	McDonnell	Stinner	
Bolz	Hilkemann	Murante	Thibodeau	
Chambers	Kolterman	Riepe	Vargas	
Crawford	Lindstrom	Scheer	Watermeier	

Voting in the negative, 0.

Present and not voting, 16:

Bostelman	Friesen	Hughes	Pansing Brooks
Brasch	Geist	Kolowski	Quick
Brewer	Harr	Larson	Walz
Erdman	Howard	McCollister	Wayne

Excused and not voting, 7:

Briese	Hansen	Krist	Morfeld
Clements	Hilgers	Kuehn	

The appointment was confirmed with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on pages 729 and 730:

Nebraska Tourism Commission
Starr Lehl
Ashley Olson
Sarah Sortum

Voting in the affirmative, 34:

Albrecht	Crawford	Hughes	Murante	Stinner
Baker	Ebke	Kolowski	Pansing Brooks	Thibodeau
Blood	Erdman	Kolterman	Quick	Walz
Bolz	Geist	Lindstrom	Riepe	Watermeier
Bostelman	Groene	Linehan	Scheer	Williams
Chambers	Halloran	Lowe	Schumacher	Wishart
Clements	Hilkemann	McDonnell	Smith	

Voting in the negative, 0.

Present and not voting, 9:

Brasch	Friesen	Howard	McCollister	Wayne
Brewer	Harr	Larson	Vargas	

Excused and not voting, 6:

Briese	Hilgers	Kuehn
Hansen	Krist	Morfeld

The appointments were confirmed with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 730:

Nebraska Tourism Commission

Darrin Barner
 John Chapo
 Roger L. Jasnoch
 Roger Kuhn
 Barry McFarland
 Debra Nelson-Loseke

Voting in the affirmative, 36:

Albrecht	Crawford	Kolowski	Pansing Brooks	Watermeier
Baker	Ebke	Larson	Quick	Wayne
Blood	Erdman	Lindstrom	Riepe	Williams
Bolz	Friesen	Linehan	Scheer	Wishart
Bostelman	Geist	Lowe	Schumacher	
Brasch	Halloran	McCollister	Smith	
Chambers	Hilkemann	McDonnell	Stinner	
Clements	Howard	Murante	Walz	

Voting in the negative, 0.

Present and not voting, 8:

Brewer	Harr	Kolterman	Thibodeau
Groene	Hughes	Krist	Vargas

Excused and not voting, 5:

Briese	Hansen	Hilgers	Kuehn	Morfeld
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The appointments were confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 732:

Coordinating Commission for Postsecondary Education

John Bernthal
Deborah Frison
Joyce Simmons

Voting in the affirmative, 32:

Albrecht	Erdman	Larson	Quick	Watermeier
Baker	Geist	Lindstrom	Riepe	Wayne
Bolz	Groene	Linehan	Schumacher	Williams
Brasch	Halloran	McCollister	Smith	Wishart
Chambers	Hilkemann	McDonnell	Stinner	
Clements	Kolowski	Murante	Vargas	
Crawford	Kolterman	Pansing Brooks	Walz	

Voting in the negative, 0.

Present and not voting, 12:

Blood	Ebke	Howard	Lowe
Bostelman	Friesen	Hughes	Scheer
Brewer	Harr	Krist	Thibodeau

Excused and not voting, 5:

Briese	Hansen	Hilgers	Kuehn	Morfeld
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The appointments were confirmed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 732:

Board of Educational Lands and Funds

Robert Kobza

Voting in the affirmative, 28:

Albrecht	Clements	Hilkemann	McCollister	Vargas
Baker	Crawford	Kolterman	Murante	Walz
Bolz	Erdman	Larson	Pansing Brooks	Wayne
Brasch	Geist	Lindstrom	Quick	Williams
Brewer	Groene	Linehan	Riepe	
Chambers	Halloran	Lowe	Schumacher	

Voting in the negative, 0.

Present and not voting, 16:

Blood	Harr	Krist	Stinner
Bostelman	Howard	McDonnell	Thibodeau
Ebke	Hughes	Scheer	Watermeier
Friesen	Kolowski	Smith	Wishart

Excused and not voting, 5:

Briese	Hansen	Hilgers	Kuehn	Morfeld
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The appointment was confirmed with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 732:

Nebraska Educational Telecommunications Commission
Lisa May

Voting in the affirmative, 30:

Albrecht	Chambers	Hilkemann	Lowe	Scheer
Baker	Clements	Kolterman	McCollister	Schumacher
Blood	Ebke	Krist	Murante	Vargas
Bolz	Erdman	Larson	Pansing Brooks	Walz
Brasch	Geist	Lindstrom	Quick	Wayne
Brewer	Groene	Linehan	Riepe	Williams

Voting in the negative, 0.

Present and not voting, 14:

Bostelman	Halloran	Hughes	Smith	Watermeier
Crawford	Harr	Kolowski	Stinner	Wishart
Friesen	Howard	McDonnell	Thibodeau	

Excused and not voting, 5:

Briese	Hansen	Hilgers	Kuehn	Morfeld
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The appointment was confirmed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 766:

Nebraska Child Abuse Prevention Fund Board
Roderick Todd Bartee
Paul J. Nelson

Voting in the affirmative, 26:

Albrecht	Chambers	Kolterman	Pansing Brooks	Williams
Baker	Clements	Krist	Quick	Wishart
Blood	Ebke	Linehan	Riepe	
Bolz	Erdman	Lowe	Scheer	
Brasch	Geist	McDonnell	Schumacher	
Brewer	Hilkemann	Murante	Walz	

Voting in the negative, 0.

Present and not voting, 18:

Bostelman	Halloran	Kolowski	Smith	Watermeier
Crawford	Harr	Larson	Stinner	Wayne
Friesen	Howard	Lindstrom	Thibodeau	
Groene	Hughes	McCollister	Vargas	

Excused and not voting, 5:

Briese	Hansen	Hilgers	Kuehn	Morfeld
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The appointments were confirmed with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 766:

Commission for the Blind and Visually Impaired
Robert L. Newman
Becky D. Rieken

Voting in the affirmative, 27:

Albrecht	Chambers	Groene	McCollister	Schumacher
Baker	Clements	Hilkemann	McDonnell	Walz
Blood	Ebke	Kolterman	Pansing Brooks	Wishart
Bolz	Erdman	Larson	Quick	
Brasch	Friesen	Linehan	Riepe	
Brewer	Geist	Lowe	Scheer	

Voting in the negative, 0.

Present and not voting, 17:

Bostelman	Howard	Lindstrom	Thibodeau	Williams
Crawford	Hughes	Murante	Vargas	
Halloran	Kolowski	Smith	Watermeier	
Harr	Krist	Stinner	Wayne	

Excused and not voting, 5:

Briese	Hansen	Hilgers	Kuehn	Morfeld
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The appointments were confirmed with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)

Natural Resources

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

Robert P. Goodwin - Nebraska Oil and Gas Conservation Commission
Thomas D. Oliver - Nebraska Oil and Gas Conservation Commission

Aye: 7 Albrecht, Bostelman, Geist, Hughes, McCollister, Quick, Walz. Nay: 0. Absent: 1 Kolowski. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 328. Introduced by Kolowski, 31.

WHEREAS, National Speech and Debate Education Day is being celebrated on Friday, March 2, 2018; and

WHEREAS, National Speech and Debate Education Day was established by the National Speech & Debate Association in conjunction with national and local partners to promote better instruction in speech and debate across all grade levels and to highlight the pivotal roles these abilities play in personal advocacy, social movements, and public policy; and

WHEREAS, speech and debate education helps students develop important skills in communication, critical thinking, creativity, and collaboration through the practice of public speaking and enables students not only to analyze and express complex ideas effectively, but also to listen, concur, question, or dissent with reason and compassion; and

WHEREAS, across the country, countless educators devote in-school, after-school, and weekend time to supporting their students in speech and debate practices and competitions, and the examples of hard work and

dedication set by these educators have lasting, positive impacts on their pupils; and

WHEREAS, the skills learned through speech and debate serve students well throughout their lives, and this occasion presents a welcome opportunity to recognize such instruction as an essential component of a well-rounded curriculum.

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

1. That the Legislature recognizes Friday, March 2, 2018, as National Speech and Debate Education Day in the State of Nebraska.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Wishart filed the following amendment to LB439:
AM2117

(Amendments to E & R amendments, ER111)

- 1 1. on page 3, line 18, strike "nurse assessments and".

GENERAL FILE

LEGISLATIVE BILL 439A. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 158. Senator Groene renewed his motion, MO234, found on page 769, to bracket until April 18, 2018.

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

Senator Kolterman moved for a call of the house. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

Senator Hansen requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 31:

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

Voting in the negative, 5:

Albrecht Erdman Hughes Lowe Watermeier

Present and not voting, 10:

Bostelman Brewer Friesen Halloran Lindstrom
 Brasch Clements Groene Larson Murante

Excused and not voting, 3:

Briese Hilgers Kuehn

The motion to cease debate prevailed with 31 ayes, 5 nays, 10 present and not voting, and 3 excused and not voting.

The Groene motion to bracket failed with 10 ayes, 27 nays, 9 present and not voting, and 3 excused and not voting.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 256. Placed on Final Reading.

LEGISLATIVE BILL 750. Placed on Final Reading.

ST44

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

1. In the E & R amendments, ER109:
 - a. On page 9, line 30, "satisfies" has been struck and "satisfied" inserted; and
 - b. On page 10, line 5, "appoints" has been struck and "appointed" inserted and "executes" has been struck and "executed" inserted; and in line 6 "records or causes" has been struck and "recorded or caused" inserted.

LEGISLATIVE BILL 775. Placed on Final Reading.

LEGISLATIVE BILL 936. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

VISITORS

Visitors to the Chamber were Grace Langan from Lincoln High; Madison Carver from Lincoln High; 22 members of the Nebraska Healthcare Association; 35 members of the Urban League of Nebraska Young Professionals from Omaha; and 41 fourth-grade students from Eagle.

The Doctor of the Day was Dr. Jason Bepalec from Geneva.

ADJOURNMENT

At 11:43 a.m., on a motion by Senator Thibodeau, the Legislature adjourned until 9:00 a.m., Wednesday, February 28, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIFTH DAY - FEBRUARY 28, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 28, 2018

PRAYER

The prayer was offered by Pastor Perry Gauthier, Capitol Ministries of Nebraska, Lincoln.

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 Senator Brewer who was excused; and Senators Geist, Hansen, Harr, Hughes, Krist, Larson, Linehan, Morfeld, Watermeier, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 329. Introduced by Quick, 35.

WHEREAS, Jonathan Novinski won first place in the boys 500-yard freestyle at the 2018 State Swimming and Diving Championship; and

WHEREAS, Jonathan is a freshman on the Grand Island Senior High School swim team; and

WHEREAS, Jonathan won with a time of 4:39, a full eight seconds ahead of the second-place finisher; 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 Jonathan Novinski on his first place finish in the boys 500-yard freestyle at the 2018 State Swimming and Diving Championship.

2. That a copy of this resolution be sent to Jonathan Novinski and to Coach Brian Jensen.

Laid over.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR318 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR318.

ANNOUNCEMENT

The Chair announced the birthday of Senator Bolz.

GENERAL FILE

LEGISLATIVE BILL 158. Senator Groene offered the following motion:

MO235

Bracket until April 18, 2018.

Pending.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 1009. Placed on General File with amendment.

AM1737

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

2 sections:

3 Section 1. Section 39-2103, Revised Statutes Supplement, 2017, is

4 amended to read:

5 39-2103 Rural highways are hereby divided into nine functional

6 classifications as follows:

7 (1) Interstate, which shall consist of the federally designated

8 National System of Interstate and Defense Highways;

9 (2) Expressway, which shall consist of a group of highways following

10 major traffic desires in Nebraska which rank next in importance to the

11 National System of Interstate and Defense Highways. The expressway system

12 is one which ultimately should be developed to multilane divided highway

13 standards;

14 (3) Major arterial, which shall consist of the balance of routes

15 which serve major statewide interests for highway transportation. This

16 includes super-two, which shall consist of two-lane highways designed

17 primarily for through traffic with passing lanes spaced intermittently

18 and on alternating sides of the highway to provide predictable

19 opportunities to pass slower moving vehicles. This system is
20 characterized by high-speed, relatively long-distance travel patterns;
21 (4) Scenic-recreation, which shall consist of highways or roads
22 located within or which provide access to or through state parks,
23 recreation or wilderness areas, other areas of geographical, historical,
24 geological, recreational, biological, or archaeological significance, or
25 areas of scenic beauty;
26 (5) Other arterial, which shall consist of a group of highways of
27 less importance as through-travel routes which would serve places of
1 smaller population and smaller recreation areas not served by the higher
2 systems;
3 (6) Collector, which shall consist of a group of highways which pick
4 up traffic from many local or land-service roads and carry it to
5 community centers or to the arterial systems. They are the main school
6 bus routes, mail routes, and farm-to-market routes;
7 (7) Local, which shall consist of all remaining rural roads, except
8 minimum maintenance roads and remote residential roads;
9 (8) Minimum maintenance, which shall consist of (a) roads used
10 occasionally by a limited number of people as alternative access roads
11 for areas served primarily by local, collector, or arterial roads or (b)
12 roads which are the principal access roads to agricultural lands for farm
13 machinery and which are not primarily used by passenger or commercial
14 vehicles; and
15 (9) Remote residential, which shall consist of roads or segments of
16 roads in remote areas of counties with (a) a population density of no
17 more than five people per square mile or (b) an area of at least one
18 thousand square miles, and which roads or segments of roads serve as
19 primary access to no more than seven residences. For purposes of this
20 subdivision, residence means a structure which serves as a primary
21 residence for more than six months of a calendar year. Population shall
22 be determined using data from the most recent federal decennial census.
23 The rural highways classified under subdivisions (1) through (3) of
24 this section should, combined, serve every incorporated municipality
25 having a minimum population of one hundred inhabitants as determined by
26 the most recent federal decennial census or the most recent revised
27 certified count by the United States Bureau of the Census or sufficient
28 commerce, a part of which will be served by stubs or spurs, and along
29 with rural highways classified under subdivision (4) of this section,
30 should serve the major recreational areas of the state.
31 For purposes of this section, sufficient commerce means a minimum of
1 two hundred thousand dollars of gross receipts under the Nebraska Revenue
2 Act of 1967.
3 Sec. 2. Section 60-4,182, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:
5 60-4,182 In order to prevent and eliminate successive traffic
6 violations, there is hereby provided a point system dealing with traffic
7 violations as disclosed by the files of the director. The following point
8 system shall be adopted:
9 (1) Conviction of motor vehicle homicide - 12 points;

- 10 (2) Third offense drunken driving in violation of any city or
11 village ordinance or of section 60-6,196, as disclosed by the records of
12 the director, regardless of whether the trial court found the same to be
13 a third offense - 12 points;
- 14 (3) Failure to stop and render aid as required under section 60-697
15 in the event of involvement in a motor vehicle accident resulting in the
16 death or personal injury of another - 6 points;
- 17 (4) Failure to stop and report as required under section 60-696 or
18 any city or village ordinance in the event of a motor vehicle accident
19 resulting in property damage - 6 points;
- 20 (5) Driving a motor vehicle while under the influence of alcoholic
21 liquor or any drug or when such person has a concentration of eight-
22 hundredths of one gram or more by weight of alcohol per one hundred
23 milliliters of his or her blood or per two hundred ten liters of his or
24 her breath in violation of any city or village ordinance or of section
25 60-6,196 - 6 points;
- 26 (6) Willful reckless driving in violation of any city or village
27 ordinance or of section 60-6,214 or 60-6,217 - 6 points;
- 28 (7) Careless driving in violation of any city or village ordinance
29 or of section 60-6,212 - 4 points;
- 30 (8) Negligent driving in violation of any city or village ordinance
31 - 3 points;
- 1 (9) Reckless driving in violation of any city or village ordinance
2 or of section 60-6,213 - 5 points;
- 3 (10) Speeding in violation of any city or village ordinance or any
4 of sections 60-6,185 to 60-6,190 and 60-6,313:
- 5 (a) Not more than five miles per hour over the speed limit - 1
6 point;
- 7 (b) More than five miles per hour but not more than ten miles per
8 hour over the speed limit - 2 points;
- 9 (c) More than ten miles per hour but not more than thirty-five miles
10 per hour over the speed limit - 3 points, except that one point shall be
11 assessed upon conviction of exceeding by not more than ten miles per
12 hour, two points shall be assessed upon conviction of exceeding by more
13 than ten miles per hour but not more than fifteen miles per hour, and
14 three points shall be assessed upon conviction of exceeding by more than
15 fifteen miles per hour but not more than thirty-five miles per hour the
16 speed limits provided for in subdivision (1)(f) ~~(1)(e)~~, (g) ~~(f)~~, (h) ~~(g)~~,
17 or (i) ~~(h)~~ of section 60-6,186; and
- 18 (d) More than thirty-five miles per hour over the speed limit - 4
19 points;
- 20 (11) Failure to yield to a pedestrian not resulting in bodily injury
21 to a pedestrian - 2 points;
- 22 (12) Failure to yield to a pedestrian resulting in bodily injury to
23 a pedestrian - 4 points;
- 24 (13) Using a handheld wireless communication device in violation of
25 section 60-6,179.01 or texting while driving in violation of subsection
26 (1) or (3) of section 60-6,179.02 - 3 points;
- 27 (14) Using a handheld mobile telephone in violation of subsection

28 (2) or (4) of section 60-6,179.02 - 3 points;
29 (15) Unlawful obstruction or interference of the view of an operator
30 in violation of section 60-6,256 - 1 point;
31 (16) A violation of subsection (1) of section 60-6,175 - 3 points;
1 and
2 (17) All other traffic violations involving the operation of motor
3 vehicles by the operator for which reports to the Department of Motor
4 Vehicles are required under sections 60-497.01 and 60-497.02 - 1 point.
5 Subdivision (17) of this section does not include violations
6 involving an occupant protection system or a three-point safety belt
7 system pursuant to section 60-6,270, parking violations, violations for
8 operating a motor vehicle without a valid operator's license in the
9 operator's possession, muffler violations, overwidth, overheight, or
10 overlength violations, motorcycle or moped protective helmet violations,
11 or overloading of trucks.
12 All such points shall be assessed against the driving record of the
13 operator as of the date of the violation for which conviction was had.
14 Points may be reduced by the department under section 60-4,188.
15 In all cases, the forfeiture of bail not vacated shall be regarded
16 as equivalent to the conviction of the offense with which the operator
17 was charged.
18 The point system shall not apply to persons convicted of traffic
19 violations committed while operating a bicycle as defined in section
20 60-611 or an electric personal assistive mobility device as defined in
21 section 60-618.02.
22 Sec. 3. Section 60-601, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:
24 60-601 Sections 60-601 to 60-6,383 and section 5 of this act shall
25 be known and may be cited as the Nebraska Rules of the Road.
26 Sec. 4. Section 60-605, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:
28 60-605 For purposes of the Nebraska Rules of the Road, the
29 definitions found in sections 60-606 to 60-676 and section 5 of this act
30 shall be used.
31 Sec. 5. Super-two highway means a two-lane highway designed
1 primarily for through traffic with passing lanes spaced intermittently
2 and on alternating sides of the highway to provide predictable
3 opportunities to pass slower moving vehicles.
4 Sec. 6. Section 60-6,186, Revised Statutes Supplement, 2017, is
5 amended to read:
6 60-6,186 (1) Except when a special hazard exists that requires lower
7 speed for compliance with section 60-6,185, the limits set forth in this
8 section and sections 60-6,187, 60-6,188, 60-6,305, and 60-6,313 shall be
9 the maximum lawful speeds unless reduced pursuant to subsection (2) of
10 this section, and no person shall drive a vehicle on a highway at a speed
11 in excess of such maximum limits:
12 (a) Twenty-five miles per hour in any residential district;
13 (b) Twenty miles per hour in any business district;
14 (c) Fifty miles per hour upon any highway that is gravel or not

15 dustless surfaced ~~and not part of the state highway system;~~
 16 (d) Fifty-five miles per hour upon any dustless-surfaced highway not
 17 a part of the state highway system;
 18 (e) Sixty-five miles per hour upon any four-lane divided highway not
 19 a part of the state highway system;
 20 (f) Sixty-five (e) Sixty miles per hour upon any part of the state
 21 highway system other than an expressway, a super-two highway, or a
 22 freeway, ~~except that the Department of Transportation may, where existing~~
 23 ~~design and traffic conditions allow, according to an engineering study,~~
 24 ~~authorize a speed limit five miles per hour greater;~~
 25 (g) Seventy (f) Sixty-five miles per hour upon an expressway or a
 26 super-two highway that is part of the state highway system;
 27 (h) Seventy (g) Sixty-five miles per hour upon a freeway that is
 28 part of the state highway system but not part of the National System of
 29 Interstate and Defense Highways; and
 30 (i) (h) Seventy-five miles per hour upon the National System of
 31 Interstate and Defense Highways, except that: ~~the maximum speed limit~~
 1 ~~shall be~~
 2 (i) The maximum speed limit shall be sixty-five sixty miles per hour
 3 for:
 4 (A) (i) Any portion of the National System of Interstate and Defense
 5 Highways located in Douglas County; and
 6 (B) (ii) That portion of the National System of Interstate and
 7 Defense Highways designated as Interstate 180 in Lancaster County and
 8 Interstate 129 in Dakota County; and -
 9 (ii) The maximum speed limit may be increased up to five miles per
 10 hour over seventy-five miles per hour upon the National System of
 11 Interstate and Defense Highways as authorized by the Department of
 12 Transportation based on an engineering and traffic investigation.
 13 (2) The maximum speed limits established in subsection (1) of this
 14 section may be reduced by the Department of Transportation or by local
 15 authorities pursuant to section 60-6,188 or 60-6,190.
 16 (3) The Department of Transportation and local authorities may erect
 17 and maintain suitable signs along highways under their respective
 18 jurisdictions in such number and at such locations as they deem necessary
 19 to give adequate notice of the speed limits established pursuant to
 20 subsection (1) or (2) of this section upon such highways.
 21 Sec. 7. Original sections 60-4,182, 60-601, and 60-605, Revised
 22 Statutes Cumulative Supplement, 2016, and sections 39-2103 and 60-6,186,
 23 Revised Statutes Supplement, 2017, are repealed.

(Signed) Curt Friesen, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1015. Placed on General File with amendment.
 AM1927

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

3 Section 1. Section 48-144.01, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 48-144.01 (1) In every case of reportable injury arising out of and
6 in the course of employment, the employer or workers' compensation
7 insurer shall file a report thereof with the Nebraska Workers'
8 Compensation Court. Such report shall be filed within ten days after the
9 employer or insurer has been given notice of or has knowledge of the
10 injury.

11 (2) For purposes of this section:

12 (a) Reportable injury means an injury or diagnosed occupational
13 disease which results in: (i) Death, regardless of the time between the
14 death and the injury or onset of disease; (ii) time away from work; (iii)
15 restricted work or termination of employment; (iv) loss of consciousness;

16 or (v) medical treatment other than first aid;
17 (b) Restricted work means the inability of the employee to perform
18 one or more of the duties of his or her normal job assignment. Restricted
19 work does not occur if the employee is able to perform all of the duties
20 of his or her normal job assignment, but a work restriction is assigned
21 because the employee is experiencing minor musculoskeletal discomfort and
22 for the purpose of preventing a more serious condition from developing;
23 (c) Medical treatment means treatment administered by a physician or
24 other licensed health care professional; and

25 (d) First aid means:

26 (i) Using a nonprescription medication at nonprescription strength.
27 For medications available in both prescription and nonprescription form,
1 a recommendation by a physician or other licensed health care
2 professional to use a nonprescription medication at prescription strength
3 is not first aid;

4 (ii) Administering tetanus immunizations. Administering other
5 immunizations, such as hepatitis B vaccine and rabies vaccine, is not
6 first aid;

7 (iii) Cleaning, flushing, or soaking wounds on the surface of the
8 skin;

9 (iv) Using wound coverings, such as bandages and gauze pads, and
10 superficial wound closing devices, such as butterfly bandages and steri-
11 strips. Using other wound closing devices, such as sutures and staples,
12 is not first aid;

13 (v) Using hot or cold therapy;

14 (vi) Using any nonrigid means of support, such as elastic bandages,
15 wraps, and nonrigid back belts. Using devices with rigid stays or other
16 systems designed to immobilize parts of the body is not first aid;

17 (vii) Using temporary immobilization devices, such as splints,
18 slings, neck collars, and back boards, while transporting accident
19 victims;

20 (viii) Drilling of a fingernail or toenail to relieve pressure or
21 draining fluid from a blister;

22 (ix) Using eye patches;

23 (x) Removing foreign bodies from the eye using only irrigation or a
24 cotton swab;

25 (xi) Removing splinters or foreign material from areas other than
26 the eye by irrigation, tweezers, cotton swabs, or other simple means;
27 (xii) Using finger guards;
28 (xiii) Using massages. Using physical therapy or chiropractic
29 treatment is not first aid; and
30 (xiv) Drinking fluids for relief of heat stress.
31 (3) Reports filed pursuant to this section shall be confidential and
1 not open to public inspection or copying, except as required pursuant to
2 subdivision (21) of section 84-712.05.
3 Sec. 2. Section 84-712.05, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:
5 84-712.05 The following records, unless publicly disclosed in an
6 open court, open administrative proceeding, or open meeting or disclosed
7 by a public entity pursuant to its duties, may be withheld from the
8 public by the lawful custodian of the records:
9 (1) Personal information in records regarding a student, prospective
10 student, or former student of any educational institution or exempt
11 school that has effectuated an election not to meet state approval or
12 accreditation requirements pursuant to section 79-1601 when such records
13 are maintained by and in the possession of a public entity, other than
14 routine directory information specified and made public consistent with
15 20 U.S.C. 1232g, as such section existed on February 1, 2013, and
16 regulations adopted thereunder;
17 (2) Medical records, other than records of births and deaths and
18 except as provided in subdivision (5) of this section, in any form
19 concerning any person; records of elections filed under section 44-2821;
20 and patient safety work product under the Patient Safety Improvement Act;
21 (3) Trade secrets, academic and scientific research work which is in
22 progress and unpublished, and other proprietary or commercial information
23 which if released would give advantage to business competitors and serve
24 no public purpose;
25 (4) Records which represent the work product of an attorney and the
26 public body involved which are related to preparation for litigation,
27 labor negotiations, or claims made by or against the public body or which
28 are confidential communications as defined in section 27-503;
29 (5) Records developed or received by law enforcement agencies and
30 other public bodies charged with duties of investigation or examination
31 of persons, institutions, or businesses, when the records constitute a
1 part of the examination, investigation, intelligence information, citizen
2 complaints or inquiries, informant identification, or strategic or
3 tactical information used in law enforcement training, except that this
4 subdivision shall not apply to records so developed or received relating
5 to the presence of and amount or concentration of alcohol or drugs in any
6 body fluid of any person;
7 (6) Appraisals or appraisal information and negotiation records
8 concerning the purchase or sale, by a public body, of any interest in
9 real or personal property, prior to completion of the purchase or sale;
10 (7) Personal information in records regarding personnel of public
11 bodies other than salaries and routine directory information;

12 (8) Information solely pertaining to protection of the security of
13 public property and persons on or within public property, such as
14 specific, unique vulnerability assessments or specific, unique response
15 plans, either of which is intended to prevent or mitigate criminal acts
16 the public disclosure of which would create a substantial likelihood of
17 endangering public safety or property; computer or communications network
18 schema, passwords, and user identification names; guard schedules; lock
19 combinations; or public utility infrastructure specifications or design
20 drawings the public disclosure of which would create a substantial
21 likelihood of endangering public safety or property, unless otherwise
22 provided by state or federal law;

23 (9) The security standards, procedures, policies, plans,
24 specifications, diagrams, access lists, and other security-related
25 records of the Lottery Division of the Department of Revenue and those
26 persons or entities with which the division has entered into contractual
27 relationships. Nothing in this subdivision shall allow the division to
28 withhold from the public any information relating to amounts paid persons
29 or entities with which the division has entered into contractual
30 relationships, amounts of prizes paid, the name of the prize winner, and
31 the city, village, or county where the prize winner resides;

1 (10) With respect to public utilities and except as provided in
2 sections 43-512.06 and 70-101, personally identified private citizen
3 account payment and customer use information, credit information on
4 others supplied in confidence, and customer lists;

5 (11) Records or portions of records kept by a publicly funded
6 library which, when examined with or without other records, reveal the
7 identity of any library patron using the library's materials or services;

8 (12) Correspondence, memoranda, and records of telephone calls
9 related to the performance of duties by a member of the Legislature in
10 whatever form. The lawful custodian of the correspondence, memoranda, and
11 records of telephone calls, upon approval of the Executive Board of the
12 Legislative Council, shall release the correspondence, memoranda, and
13 records of telephone calls which are not designated as sensitive or
14 confidential in nature to any person performing an audit of the
15 Legislature. A member's correspondence, memoranda, and records of
16 confidential telephone calls related to the performance of his or her
17 legislative duties shall only be released to any other person with the
18 explicit approval of the member;

19 (13) Records or portions of records kept by public bodies which
20 would reveal the location, character, or ownership of any known
21 archaeological, historical, or paleontological site in Nebraska when
22 necessary to protect the site from a reasonably held fear of theft,
23 vandalism, or trespass. This section shall not apply to the release of
24 information for the purpose of scholarly research, examination by other
25 public bodies for the protection of the resource or by recognized tribes,
26 the Unmarked Human Burial Sites and Skeletal Remains Protection Act, or
27 the federal Native American Graves Protection and Repatriation Act;

28 (14) Records or portions of records kept by public bodies which
29 maintain collections of archaeological, historical, or paleontological

30 significance which reveal the names and addresses of donors of such
31 articles of archaeological, historical, or paleontological significance
1 unless the donor approves disclosure, except as the records or portions
2 thereof may be needed to carry out the purposes of the Unmarked Human
3 Burial Sites and Skeletal Remains Protection Act or the federal Native
4 American Graves Protection and Repatriation Act;

5 (15) Job application materials submitted by applicants, other than
6 finalists or a priority candidate for a position described in section
7 85-106.06 selected using the enhanced public scrutiny process in section
8 85-106.06, who have applied for employment by any public body as defined
9 in section 84-1409. For purposes of this subdivision, (a) job application
10 materials means employment applications, resumes, reference letters, and
11 school transcripts and (b) finalist means any applicant who is not an
12 applicant for a position described in section 85-106.06 and (i) who
13 reaches the final pool of applicants, numbering four or more, from which
14 the successful applicant is to be selected, (ii) who is an original
15 applicant when the final pool of applicants numbers less than four, or
16 (iii) who is an original applicant and there are four or fewer original
17 applicants;

18 (16) Records obtained by the Public Employees Retirement Board
19 pursuant to section 84-1512;

20 (17) Social security numbers; credit card, charge card, or debit
21 card numbers and expiration dates; and financial account numbers supplied
22 to state and local governments by citizens;

23 (18) Information exchanged between a jurisdictional utility and city
24 pursuant to section 66-1867;

25 (19) Draft records obtained by the Nebraska Retirement Systems
26 Committee of the Legislature and the Governor from Nebraska Public
27 Employees Retirement Systems pursuant to subsection (4) of section
28 84-1503; ~~and~~

29 (20) All prescription drug information submitted pursuant to section
30 71-2454, all data contained in the prescription drug monitoring system,
31 and any report obtained from data contained in the prescription drug
1 monitoring system; ~~and~~ -

2 (21) Reports filed pursuant to section 48-144.01, except that such
3 reports:

4 (a) Shall be made available for inspection or copying by the
5 Nebraska Workers' Compensation Court pursuant to sections 84-712 to
6 84-712.09 upon request:

7 (i) By the employee who is the subject of the report or by an
8 attorney or authorized agent of such employee;

9 (ii) By the employer, workers' compensation insurer, risk management
10 pool, or third-party administrator that is a party to the report or an
11 attorney or authorized agent of such party;

12 (iii) By a third party for the purpose of identifying the number and
13 nature of any injuries to any employees of an employer identified in the
14 request, so long as the court redacts any information revealing the
15 identity of any employee prior to releasing the reports; or
16 (iv) By a nonprofit organization for the purpose of sending

17 condolences to, providing memorials for, and offering grief counseling to
 18 family members of an employee whose death was caused by a workplace
 19 incident; and

20 (b) Shall be disclosed by the court if the reports are requested for
 21 use in connection with a state or federal investigation or examination or
 22 for use by the state or federal government to compile statistical
 23 information.

24 Sec. 3. Original section 48-144.01, Reissue Revised Statutes of
 25 Nebraska, and section 84-712.05, Revised Statutes Cumulative Supplement,
 26 2016, are repealed.

(Signed) John Murante, Chairperson

AMENDMENT(S) - Print in Journal

Senator Briese filed the following amendment to LB1084:

FA109

Strike Section 1.

Senator Smith filed the following amendment to LB389:

AM2129

(Amendments to Standing Committee amendments, AM1456)

1 1. Strike original section 35 and insert the following new section:

2 Sec. 35. An authority shall require that all rates, charges, fees,

3 or compensation paid by a wireless provider are based on fair market

4 value for the right to use or occupy a right-of-way. Application fees

5 charged to a wireless provider shall be cost-based.

Senator Smith filed the following amendment to LB389:

AM2130

(Amendments to Standing Committee amendments, AM1456)

1 1. On page 6, strike lines 17 through 31.

2 2. On page 7, strike lines 1 through 20 and insert the following new

3 subsection:

4 "(4) A wireless provider shall have the right, subject to authority

5 approval, to collocate small wireless facilities and install, maintain,

6 modify, operate, and replace utility poles along, across, upon, and under

7 the right-of-way."; in line 21 strike "(8)" and insert "(5)"; and in line

8 26 strike "(9)" and insert "(6)".

9 3. On page 8, strike beginning with "in" in line 5 through "section"

10 in line 6; strike lines 12 through 17; and in line 18 strike "(4)" and

11 insert "(3)".

12 4. On page 12, line 27, strike "(5)" and insert "(4)".

13 5. On page 13, line 4, strike "subsections (3) and (4)" and insert

14 "subsection (3)"; and in line 5 strike "(6)" and insert "(5)".

NOTICE OF COMMITTEE HEARING(S)
Transportation and Telecommunications

Room 1113

Thursday, March 8, 2018 1:00 p.m.

LaShonna Dorsey - Nebraska Information Technology Commission
Thomas Nutt - Nebraska Information Technology Commission
Terry Haack - Nebraska Information Technology Commission
Dorest Harvey - Nebraska Information Technology Commission
Gerald Warren - Nebraska Information Technology Commission
Walter G. Weir - Nebraska Information Technology Commission

(Signed) Curt Friesen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 330. Introduced by Lowe, 37.

WHEREAS, the Kearney High School wrestling team brought home four individual titles and the team runner-up trophy from the 2018 Class A State Wrestling Championship; and

WHEREAS, Lee Herrington, a senior, was a repeat champion in the 285-pound division; and

WHEREAS, Phillip Moomey, a junior and a repeat champion, won the 126-pound division; and

WHEREAS, Nick James, a junior in the 138-pound division, won his first state title during his third trip to the State Wrestling Championship; and

WHEREAS, Brayden Smith, a sophomore, won the title in the 113-pound division during his first trip to the State Wrestling Championship; 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 Lee Herrington, Phillip Moomey, Nick James, and Brayden Smith on their state wrestling championships.

2. That a copy of this resolution be sent to Kearney High School and to Lee Herrington, Phillip Moomey, Nick James, and Brayden Smith.

Laid over.

LEGISLATIVE RESOLUTION 331. Introduced by Bolz, 29.

WHEREAS, René Ferdinand grew up in Bakersfield, California, and received his Bachelor of Arts degree in Sociology and Political Science from California State University, Bakersfield in 1973; and

WHEREAS, René Ferdinand moved to Grand Island in 1974 as a volunteer with Volunteers in Service to America (VISTA) to develop a cultural learning community center; and

WHEREAS, René Ferdinand has worked in the field of developmental disabilities for over forty years, including in direct support, services coordination, and state level directorships; and

WHEREAS, René Ferdinand has worked with service providers, advocacy organizations, and state agencies at the local and national level; and

WHEREAS, René Ferdinand has improved the lives of Nebraskans with developmental disabilities throughout his career while holding positions at the Lincoln Regional Center, Region V Services, the Nebraska Department of Health and Human Services, the Arc of Nebraska, and the Nebraska Health Care Association; and

WHEREAS, René Ferdinand has participated on many professional boards, advisory groups, and community organizations, such as the Nebraska Association of Service Providers, the Nebraska Planning Council on Developmental Disabilities, the National Association of State Directors of Developmental Disabilities Services, the Association of Community Professionals of Nebraska, the Nebraska Brain Injury Advisory Council, the Arc of Nebraska, the Near South Neighborhood Association, and the Preservation Association of Lincoln; and

WHEREAS, René Ferdinand has been recognized with the Robert L. Schalock Quality Award, Soldier of Justice Award, Distinguished Service Award, Executive of the Year, and Outstanding Service Award; and

WHEREAS, René Ferdinand has served as Chief Executive Officer and President of the Autism Center of Nebraska since 2007; and

WHEREAS, while at the Autism Center of Nebraska, René Ferdinand has been instrumental in developing programs that support and enhance the quality of life for persons with autism and other developmental disabilities, including Transitional Educational Services, Employment Connections, the Art Garden, and the Autism Care for Toddlers Clinic; and

WHEREAS, René Ferdinand will retire on March 2, 2018.

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

1. That the Legislature thanks René Ferdinand for his years of service to the state and his contributions to improve the lives of those with developmental disabilities.

2. That a copy of this resolution be sent to René Ferdinand.

Laid over.

LEGISLATIVE RESOLUTION 332. Introduced by McDonnell, 5.

WHEREAS, the International Association of Fire Fighters (IAFF) convened its first convention one hundred years ago when thirty-six delegates selected from twenty-four local unions gathered on February 28, 1918, in Washington, D.C.; and

WHEREAS, the thirty-six delegates met at the American Federation of Labor building at 10:00 in the morning to adopt a Constitution and By-Laws for the new union, created for the sole benefit of rank-and-file fire fighters in the United States and Canada; and

WHEREAS, the delegates elected Thomas G. Spellacy of Schenectady, New York as the IAFF's first president and William Smith as the union's first Secretary-Treasurer; and

WHEREAS, before the IAFF was formed, fire fighters received salaries as low as twenty-nine cents per hour. The IAFF has fought for better wages, fair benefits, better working conditions, and improved safety for its members, as well as greater public safety services for the communities they serve; and

WHEREAS, the IAFF currently has more than 300,000 members that represent more than 3,200 affiliates in every state and Canada; and

WHEREAS, the IAFF remains the primary advocate for providing fire fighters and paramedics with the tools they need to perform their jobs.

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

1. That the Legislature recognizes and celebrates the centennial of the International Association of Fire Fighters.
2. That Nebraska's fire fighters are encouraged to celebrate the history of the IAFF.
3. That the Legislature recognizes and respects the role of the IAFF as the protector of the protectors.
4. That copies of this resolution be sent to the IAFF headquarters, the Nebraska Professional Fire Fighters Association, and the IAFF Local 385.

Laid over.

PROPOSED RULES CHANGES

Senator Scheer offered the following proposed rules changes:

Amend Rule 2

Section 1. Rules, Matters Not Covered. (a) At the commencement of each regular session in odd-numbered years, a motion shall be offered to adopt the rules of the preceding session as temporary rules. The motion to adopt temporary rules shall require a majority vote of the members. The temporary rules shall be in effect until such time as the permanent rules are adopted which shall govern the Legislature for a period of two years. The motion to adopt permanent rules and amendments to that motion shall require a majority vote of the elected members. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

(b) In the absence of a controlling rule to cover a specific situation and in the absence of controlling custom, usage, and/or precedent, the presiding officer may utilize Mason's Manual of Legislative Procedure as authority.

Referred to the Rules Committee.

Senator Watermeier offered the following proposed rules changes:

Strike the original Rule 10 and insert the following:

**RULE 10 – ELECTION CONTESTS AND
QUALIFICATIONS CHALLENGES**

Section 1. Committee Selection. (a) Each qualifications challenge and election contest filed with the Clerk of the Legislature shall be referred by the Clerk of the Legislature to the Executive Board of the Legislative Council, who in turn shall refer the matter to a specially created committee to consider such challenge. The committee shall consist of seven members appointed by the Executive Board of the Legislative Council.

(b) The special committee may adopt rules to govern election contests and qualifications challenges, provided that such committee rules shall be consistent with the Constitution, Nebraska statutes, and the Rules of the Nebraska Legislature. Such adopted rules shall be filed with the Clerk within twenty-four hours of adoption and shall be made available to all parties and to the public.

(c) The committee shall give notice of all rules, timetables, or deadlines adopted by the committee. Notice under this subsection shall be in writing and shall be given either personally with receipt or by certified mail (return receipt requested).

Sec. 2. Contests and Challenges - Due Process. (a) Election contests and qualifications challenges shall be heard and determined in accordance with the applicable provisions of the Rules of the Legislature, Nebraska statutes, the Nebraska Constitution, and the United States Constitution. Judicial decisions which bear on a point of law in a contest or challenge shall be admissible in the arguments of the parties and the deliberations and decisions of the committee. Judicial decisions shall be given weight as precedent.

(b) Due process is met if the respondent member received notice of the challenge and each party had a reasonable opportunity to present his or her claim, any defense and arguments, and to respond to those of his or her opponent. If the parties submitted a brief and had an opportunity to respond to the opposing party's brief, a hearing is not required to meet due process requirements. The Committee may nonetheless hold a hearing if the Committee so chooses.

(c) All parties may be represented by counsel.

Sec. 3. Discovery in Contests and Challenges. (a) Discovery may commence in an election contest or qualifications challenge as soon as a response is filed by the respondent member or eleven calendar days after a petition is filed under the Legislative Qualifications and Election Contests

Act, whichever occurs sooner. Either party to a petition may obtain discovery regarding any matter which is not privileged and is relevant to the particular grounds stated in the petition or response.

(b) Discovery shall be conducted in any manner permitted by the rules of discovery for civil cases adopted by the Supreme Court.

(c) If an unresolved discovery or record dispute exists and continues between the parties to a petition or between a party and another person, a party may request a ruling on the dispute from the chairperson of the committee.

(d) No testimony shall be received in the taking of depositions or by the Legislature which does not relate to the points specified in the petition.

(e) Discovery materials shall be filed with the Clerk of the Legislature only when ordered by the committee or when required by law or these rules.

Sec. 4. Discovery in Qualifications Challenges. (a) A party to a petition to challenge qualifications shall respond to a discovery request within four calendar days after receipt of the request or by the fourteenth calendar day after the Legislature convenes the regular legislative session following the general election, whichever is sooner. A person who is not a party to the petition shall respond to a discovery request within seven calendar days after receipt of the request or by the fourteenth calendar day after the Legislature convenes the regular legislative session following the general election, whichever is sooner.

(b) The chairperson of the committee may grant additional time to respond to a discovery request if he or she finds good cause for additional time to be granted. The chairperson shall not grant more than seven calendar days of additional time beyond the initial time period to respond.

(c) All discovery, including responses to discovery, shall be completed by the fourteenth calendar day after the Legislature convenes the regular legislative session following the general election. The petitioner or respondent member shall not be granted any additional time after such deadline to conduct discovery unless additional time is granted pursuant to subsection (b) of this section.

Sec. 5. Submission of Discovery Record and Briefs in Contests and Challenges. (a) The petitioner and respondent member shall each file a brief with the Clerk of the Legislature which outlines the party's claims or defenses, relevant legal authority and legislative precedent, and proposed form of relief. The briefs shall be filed with the Clerk of the Legislature and served on the opposing party within five calendar days after the final date for conducting discovery.

(b) A party may file a response to the opposing party's brief which addresses the issues raised in the opposing party's brief. The response shall be filed with the Clerk of the Legislature and served upon the opposing party within five calendar days after receipt of the opposing party's brief.

(c) Each party shall submit any proof or evidence, including, but not limited to, depositions, affidavits, and documents to the Clerk of the Legislature within five calendar days after receipt of the opposing party's brief. Only proof of issues raised in the initial petition or amendments to the petition or in the response to the petition may be submitted for consideration by the Legislature.

Sec. 6. Committee Proceedings and Powers in Contests and Challenges.

(a) The committee shall consider the qualifications challenge within fourteen calendar days after the deadline for which the parties have to submit discovery materials to the committee.

(b) The committee shall resolve the election contest or qualifications challenge as expeditiously as possible.

(c) Upon meeting and considering the record and arguments of the petitioner and respondent member, the committee may dismiss a petition filed under the Legislative Qualifications and Election Contests Act or may conduct a further inquiry as permitted by the Rules of the Legislature.

(d) All proceedings of the committee concerning election contests and qualifications challenges may be recorded and transcribed. Copies of the transcript shall be made available to the members of the committee and to the parties.

(e) In conducting inquiries, investigations, and recounts in election contests and qualifications challenges, the committee shall have the power to compel the attendance of witnesses and the production of books, papers, ballots, documents, and records, by subpoena signed by the chairperson of the committee as provided by Rule 3, Section 21. In conducting proceedings in election contests and qualifications challenges, the committee may utilize the legislative powers to gather information as provided by Rule 3, Section 21. At any point during the election contest or qualifications challenge, the committee may require the parties to submit a brief to the committee on any issue relevant to the matter.

(f) The committee shall maintain a record of proceedings in every election contest and qualifications challenge. Such record shall include all notices and pleadings, roll call votes, all reports and dissents, and all documents which were admitted into the proceeding. The committee shall file the record with the Clerk of the Legislature upon the adoption of its final report. The record shall then be available for examination in the Clerk of the Legislature's Office.

(g) With the approval of the Executive Board, the committee may employ staff assistants to include clerks, court reporters, professional staff, and other personnel as deemed necessary.

Sec. 7. Adoption of Reports in Contests and Challenges. (a) All final decisions of the committee regarding an election contest or qualification challenge shall be approved by a majority of the members of the committee. Such decisions shall be reported in writing to the Legislature. Reports shall include a specific recommendation to the Legislature as to the disposition of the contest or challenge.

(b) Any member of the committee may file a dissent from a report of the committee, a minority report, or a special concurrence with the majority report or with any minority report.

(c) Reports of the committee shall be filed with the Clerk of the Legislature, printed and placed on the members' desks, along with any dissents, minority reports, or special concurrences. The report shall be listed on the agenda under the heading "Report of Election Contest" or "Report of Qualifications Challenge." The report as filed with the Clerk, shall not be considered for two legislative days prior to any consideration by the Legislature.

(d) The Legislature shall adopt the majority report or a minority report in an election contest or qualifications challenge or shall refuse to adopt any report filed and rerefer the contest or challenge to the committee for further proceedings or for a modified report. Reports as filed by the committee are not amendable. If the Legislature fails to adopt a report, the matter shall automatically be rereferred to committee for further consideration.

Referred to the Rules Committee.

GENERAL FILE

LEGISLATIVE BILL 935. Title read. Considered.

Committee AM1888, found on page 632, was offered.

Senator Harr offered the following amendment to the committee amendment:

FA110

Amend AM1888

Page 1, line 4 delete "may" and replace with "shall".

Pending.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE RESOLUTION 266. Reported to the Legislature for further consideration.

(Signed) Dan Hughes, Chairperson

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 873. Placed on General File with amendment. AM2065 is available in the Bill Room.

(Signed) Justin Wayne, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hughes filed the following amendment to LB822:
AM2191

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

3 Section 1. Notwithstanding any other provision of law, the public
4 power industry shall not be required to disclose proprietary or
5 commercial information which if released would give advantage to business
6 competitors.

7 Sec. 2. The Revisor of Statutes shall assign section 1 of this act
8 to Chapter 70, article 6.

9 Sec. 3. Since an emergency exists, this act takes effect when
10 passed and approved according to law.

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Wednesday, March 7, 2018 12:30 p.m.

AM2191 to LB822 Note: Clarify public power exception from public records

(Signed) Dan Hughes, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Geist has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Halloran name added to LB690.

Senator Halloran name added to LB931.

Senator Kolterman name added to LB1040.

Senator Brewer name added to LB1100.

Senator Murante name added to LR6.

VISITORS

Visitors to the Chamber were 16 eleventh-grade students, teachers, and sponsor from Sterling; 25 members of the Adult Leadership Program as sponsored by Hastings Area Chamber of Commerce; and Erin Ball and Henry Clymer from Cass County.

RECESS

At 11:57 a.m., on a motion by Senator Watermeier, 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 Brewer and Lindstrom who were excused; and Senators Groene, Larson, Morfeld, Stinner, Williams, and Wishart who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 935. Senator Harr renewed his amendment, FA110, found in this day's Journal, to the committee amendment.

Senator Chambers offered the following motion:

MO236

Bracket until April 4, 2018.

Senator Chambers withdrew his motion to bracket.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 931. Placed on Select File with amendment.

ER112

1 1. On page 1, line 1, strike "opiates" and insert "controlled
 2 substances"; and in line 3 after the semicolon insert "to harmonize
 3 provisions; to provide termination dates;".

LEGISLATIVE BILL 1078. Placed on Select File.**LEGISLATIVE BILL 439A.** Placed on Select File.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 17. Placed on Final Reading Second.

ST45

(Final Reading copy)

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

1. The Erdman amendment, AM1528, has been incorporated into the Final Reading copy of LB17.
2. In the Erdman amendment, AM1528, on page 1, line 6, the second comma has been struck.
3. On page 18, line 30, "fails" has been struck and "failed" inserted.
4. On page 26, line 27, "Registration" has been inserted after "Company".

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 833. Placed on General File.**LEGISLATIVE BILL 983.** Placed on General File.**LEGISLATIVE BILL 1051.** Placed on General File.**LEGISLATIVE RESOLUTION 293CA.** Placed on General File with amendment.

AM2077

1 1. On page 1, strike beginning with "The" in line 7 through line 13
 2 and insert "The people of Nebraska have the right to use or consume
 3 cannabis and cannabis products in any form to treat or relieve any
 4 diagnosed medical condition or illness, subject only to laws, rules, or
 5 regulations that preserve or facilitate this right, or that advance a
 6 compelling government interest and are narrowly tailored to use the least
 7 restrictive means necessary to advance such interest."; and strike lines
 8 18 through 23 and insert "have the right to use or consume cannabis and

9 cannabis products in any form to treat or relieve any diagnosed medical
 10 condition or illness, subject only to laws, rules, or regulations that
 11 preserve or facilitate this right, or that advance a compelling
 12 government interest and are narrowly tailored to use the least
 13 restrictive means necessary to advance such interest."

(Signed) Laura Ebke, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 333. Introduced by Krist, 10.

WHEREAS, the State of Nebraska recognizes there are families adversely affected by problem gambling; and

WHEREAS, the State of Nebraska allocates funds to provide education, counseling, and support to families affected by problem gambling; and

WHEREAS, the key to recognizing problem gambling is awareness; and

WHEREAS, educating citizens about the dangers of problem gambling is crucial to preventing problem gambling.

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

1. That the Legislature recognizes March 2018 as Problem Gambling Awareness Month in Nebraska.

2. That a copy of this resolution be sent to the National Council on Problem Gambling, the Nebraska Council on Compulsive Gambling, and the Nebraska Commission on Problem Gambling.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 935. The Harr amendment, FA110, found in this day's Journal, to the committee amendment, was renewed.

PRESIDENT FOLEY PRESIDING

Senator Crawford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

The Harr amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Senator Kuehn offered the following amendment to the committee amendment:

FA111

Amend AM1888

Strike line 30 on page 4 through line 12 on page 5 and strike lines 8 to 25 on page 7.

Senator Kuehn moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Kuehn requested a roll call vote on his amendment.

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 1:

Albrecht

Excused and not voting, 5:

Brewer	Larson	Lindstrom	Lowe	Stinner
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The Kuehn amendment was adopted with 43 ayes, 0 nays, 1 present and not voting, and 5 excused and not voting.

Senator Wayne requested a record vote on the committee amendment, AM1888, as amended.

Voting in the affirmative, 37:

Albrecht	Clements	Harr	Linehan	Thibodeau
Baker	Crawford	Hilgers	McCollister	Vargas
Blood	Ebke	Hilkemann	Murante	Watermeier
Bolz	Erdman	Howard	Pansing Brooks	Wayne
Bostelman	Friesen	Hughes	Quick	Williams
Brasch	Geist	Kolowski	Scheer	
Briese	Groene	Krist	Schumacher	
Chambers	Hansen	Kuehn	Smith	

Voting in the negative, 0.

Present and not voting, 7:

Halloran	McDonnell	Riepe	Wishart
Kolterman	Morfeld	Walz	

Excused and not voting, 5:

Brewer	Larson	Lindstrom	Lowe	Stinner
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The committee amendment, as amended, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

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

Voting in the affirmative, 36:

Albrecht	Clements	Hansen	Krist	Walz
Baker	Crawford	Harr	Kuehn	Watermeier
Blood	Ebke	Hilgers	McCollister	Wayne
Bolz	Erdman	Hilkemann	Quick	Williams
Bostelman	Friesen	Howard	Scheer	
Brasch	Geist	Hughes	Schumacher	
Briese	Groene	Kolowski	Thibodeau	
Chambers	Halloran	Kolterman	Vargas	

Voting in the negative, 0.

Present and not voting, 8:

Linehan	Morfeld	Pansing Brooks	Smith
McDonnell	Murante	Riepe	Wishart

Excused and not voting, 5:

Brewer	Larson	Lindstrom	Lowe	Stinner
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Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 773. Title read. Considered.

Committee AM1932, found on page 679, was offered.

Senator Clements offered the following amendment to the committee amendment:

AM2174

(Amendments to Standing Committee amendments, AM1932)

1 1. On page 1, strike beginning with "causes" in line 7 through

2 "transmitting" in line 8 and insert "telephones such individual or

3 transmits"; and in line 27 strike "in".
 4 2. On page 2, line 1, strike "the state" and reinstate the stricken
 5 matter.

The Clements amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Quick filed the following amendment to LB389:

AM2139

(Amendments to Standing Committee amendments, AM1456)

1 1. On page 7, line 29, strike "pursuant to the" and insert "as
 2 determined by the authority"; and strike beginning with "competitively"
 3 in line 30 through "authority" in line 31.

Senator Quick filed the following amendment to LB389:

AM2141

(Amendments to Standing Committee amendments, AM1456)

1 1. On page 9, lines 2 and 29, strike "(h)" and insert "(g)"; strike
 2 lines 7 and 8; in line 9 strike "(e)" and insert "(d)"; in line 15 strike
 3 "(f)" and insert "(e)"; and in lines 19 and 23 strike "(g)" and insert
 4 "(f)".
 5 2. On page 10, line 16, strike "(i)" and insert "(h)"; and in line
 6 24 strike "(j)" and insert "(i)".
 7 3. On page 11, line 12, strike "(k)" and insert "(j)"; in line 24
 8 strike "(h)" and insert "(g)"; in line 26 strike "(l)" and insert "(k)";
 9 and in line 31 strike "(m)(i)" and insert "(l)(i)".

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 670. Placed on General File with amendment.
 AM2093 is available in the Bill Room.

LEGISLATIVE BILL 729. Placed on General File with amendment.
 AM2160

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 81-8,219, Revised Statutes Supplement, 2017, is
 4 amended to read:
 5 81-8,219 The State Tort Claims Act shall not apply to:
 6 (1) Any claim based upon an act or omission of an employee of the

7 state, exercising due care, in the execution of a statute, rule, or
 8 regulation, whether or not such statute, rule, or regulation is valid, or
 9 based upon the exercise or performance or the failure to exercise or
 10 perform a discretionary function or duty on the part of a state agency or
 11 an employee of the state, whether or not the discretion is abused;

12 (2) Any claim arising with respect to the assessment or collection
 13 of any tax or fee, or the detention of any goods or merchandise by any
 14 law enforcement officer;

15 (3) Any claim for damages caused by the imposition or establishment
 16 of a quarantine by the state whether such quarantine relates to persons
 17 or property;

18 (4) Any claim arising out of assault, battery, false imprisonment,
 19 false arrest, malicious prosecution, abuse of process, libel, slander,
 20 ~~misrepresentation, deceit~~, or interference with contract rights;

21 (5) Any claim arising out of misrepresentation or deceit, except
 22 that the State Tort Claims Act shall apply to a claim arising out of
 23 misrepresentation or deceit by the Department of Health and Human
 24 Services in failing to warn, notify, or inform of a ward's mental and
 25 behavioral health history, educational history, and medical history,
 26 including any history as a victim or perpetrator of sexual abuse in cases
 27 of adoption or placement;

1 ~~(6)~~ (5) Any claim by an employee of the state which is covered by
 2 the Nebraska Workers' Compensation Act;

3 ~~(7)~~ (6) Any claim based on activities of the Nebraska National Guard
 4 when such claim is cognizable under the Federal Tort Claims Act, 28
 5 U.S.C. 2674, or the federal National Guard Tort Claims Act of the United
 6 States, 32 U.S.C. 715, or when such claim accrues as a result of active
 7 federal service or state service at the call of the Governor for quelling
 8 riots and civil disturbances;

9 ~~(8)~~ (7) Any claim based upon the failure to make an inspection or
 10 making an inadequate or negligent inspection of any property other than
 11 property owned by or leased to the state to determine whether the
 12 property complies with or violates any statute, ordinance, rule, or
 13 regulation or contains a hazard to public health or safety unless the
 14 state had reasonable notice of such hazard or the failure to inspect or
 15 inadequate or negligent inspection constitutes a reckless disregard for
 16 public health or safety;

17 ~~(9)~~ (8) Any claim based upon the issuance, denial, suspension, or
 18 revocation of or failure or refusal to issue, deny, suspend, or revoke
 19 any permit, license, certificate, or order. Such claim shall also not be
 20 filed against a state employee acting within the scope of his or her
 21 office. Nothing in this subdivision shall be construed to limit the
 22 state's liability for any claim based upon the negligent execution by a
 23 state employee in the issuance of a certificate of title under the Motor
 24 Vehicle Certificate of Title Act and the State Boat Act except when such
 25 title is issued upon an application filed electronically by an approved
 26 licensed dealer participating in the electronic dealer services system
 27 pursuant to section 60-1507;

28 ~~(10)~~ (9) Any claim arising out of the malfunction, destruction, or

29 unauthorized removal of any traffic or road sign, signal, or warning
30 device unless it is not corrected by the governmental entity responsible
31 within a reasonable time after actual or constructive notice of such
1 malfunction, destruction, or removal. Nothing in this subdivision shall
2 give rise to liability arising from an act or omission of any
3 governmental entity in placing or removing any traffic or road signs,
4 signals, or warning devices when such placement or removal is the result
5 of a discretionary act of the governmental entity;

6 (11) ~~(10)~~ Any claim arising out of snow or ice conditions or other
7 temporary conditions caused by nature on any highway as defined in
8 section 60-624, bridge, public thoroughfare, or other state-owned public
9 place due to weather conditions. Nothing in this subdivision shall be
10 construed to limit the state's liability for any claim arising out of the
11 operation of a motor vehicle by an employee of the state while acting
12 within the course and scope of his or her employment by the state;

13 (12) ~~(11)~~ Any claim arising out of the plan or design for the
14 construction of or an improvement to any highway as defined in such
15 section or bridge, either in original construction or any improvement
16 thereto, if the plan or design is approved in advance of the construction
17 or improvement by the governing body of the governmental entity or some
18 other body or employee exercising discretionary authority to give such
19 approval;

20 (13) ~~(12)~~ Any claim arising out of the alleged insufficiency or want
21 of repair of any highway as defined in such section, bridge, or other
22 public thoroughfare. Insufficiency or want of repair shall be construed
23 to refer to the general or overall condition and shall not refer to a
24 spot or localized defect. The state shall be deemed to waive its immunity
25 for a claim due to a spot or localized defect only if the state has had
26 actual or constructive notice of the defect within a reasonable time to
27 allow repair prior to the incident giving rise to the claim;

28 (14)(a) ~~(13)(a)~~ Any claim relating to recreational activities on
29 property leased, owned, or controlled by the state for which no fee is
30 charged (i) resulting from the inherent risk of the recreational
31 activity, (ii) arising out of a spot or localized defect of the premises
1 unless the spot or localized defect is not corrected within a reasonable
2 time after actual or constructive notice of the spot or localized defect,
3 or (iii) arising out of the design of a skatepark or bicycle motocross
4 park constructed for purposes of skateboarding, inline skating,
5 bicycling, or scootering that was constructed or reconstructed,
6 reasonably and in good faith, in accordance with generally recognized
7 engineering or safety standards or design theories in existence at the
8 time of the construction or reconstruction. For purposes of this
9 subdivision, the state shall be charged with constructive notice only
10 when the failure to discover the spot or localized defect of the premises
11 is the result of gross negligence.

12 (b) For purposes of this subdivision:

13 (i) Recreational activities include, but are not limited to, whether
14 as a participant or spectator: Hunting, fishing, swimming, boating,
15 camping, picnicking, hiking, walking, running, horseback riding, use of

16 trails, nature study, waterskiing, winter sports, use of playground
 17 equipment, biking, roller blading, skateboarding, golfing, athletic
 18 contests; visiting, viewing, or enjoying entertainment events, festivals,
 19 or historical, archaeological, scenic, or scientific sites; and similar
 20 leisure activities;
 21 (ii) Inherent risk of recreational activities means those risks that
 22 are characteristic of, intrinsic to, or an integral part of the activity;
 23 (iii) Gross negligence means the absence of even slight care in the
 24 performance of a duty involving an unreasonable risk of harm; and
 25 (iv) Fee means a fee to participate in or be a spectator at a
 26 recreational activity. A fee shall include payment by the claimant to any
 27 person or organization other than the state only to the extent the state
 28 retains control over the premises or the activity. A fee shall not
 29 include payment of a fee or charge for parking or vehicle entry.
 30 (c) This subdivision, and not subdivision ~~(8)~~ (7) of this section,
 31 shall apply to any claim arising from the inspection or failure to make
 1 an inspection or negligent inspection of premises owned or leased by the
 2 state and used for recreational activities; or
 3 ~~(15)~~ (14) Any claim arising as a result of a special event during a
 4 period of time specified in a notice provided by a political subdivision
 5 pursuant to subsection (3) of section 39-1359.
 6 Sec. 2. Original section 81-8,219, Revised Statutes Supplement,
 7 2017, is repealed.

LEGISLATIVE BILL 841. Placed on General File with amendment.
 AM2092 is available in the Bill Room.

(Signed) Laura Ebke, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 28, 2018

Patrick J. O'Donnell
 Clerk of the Legislature
 State Capitol, Room 2018
 Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 78, 275, 285, 310, 345, 472, 480, 486, 618,
 710, 744, 757, and 758e were received in my office on February 23, 2018.

These bills were signed and delivered to the Secretary of State on
 February 28, 2018.

Sincerely,
 (Signed) Pete Ricketts
 Governor

GENERAL FILE

LEGISLATIVE BILL 685. Title read. Considered.

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

Voting in the affirmative, 37:

Albrecht	Crawford	Hilgers	McCollister	Stinner
Baker	Erdman	Hilkemann	McDonnell	Thibodeau
Blood	Friesen	Howard	Morfeld	Vargas
Bolz	Geist	Hughes	Pansing Brooks	Walz
Brasch	Groene	Kolowski	Quick	Wishart
Briese	Halloran	Kolterman	Riepe	
Chambers	Hansen	Krist	Scheer	
Clements	Harr	Lowe	Schumacher	

Voting in the negative, 0.

Present and not voting, 6:

Ebke	Linehan	Smith
Kuehn	Murante	Wayne

Excused and not voting, 6:

Bostelman	Larson	Watermeier
Brewer	Lindstrom	Williams

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 913. Title read. Considered.

Senator McDonnell offered the following amendment:

AM2061

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

2 sections:

3 Section 1. Section 28-929.02, Reissue Revised Statutes of Nebraska,

4 is amended to read:

5 28-929.02 Every hospital and health clinic shall display at all
6 times in a prominent place a printed sign with a minimum height of twenty
7 inches and a minimum width of fourteen inches, with each letter to be a
8 minimum of one-fourth inch in height, which shall read as follows:

9 WARNING: ASSAULTING A HEALTH CARE PROFESSIONAL WHO IS ENGAGED IN THE

10 PERFORMANCE OF HIS OR HER OFFICIAL DUTIES, INCLUDING STRIKING A HEALTH

11 CARE PROFESSIONAL WITH ANY BODILY FLUID, IS A SERIOUS CRIME WHICH MAY BE

12 PUNISHABLE AS A FELONY.

13 Sec. 2. Section 28-934, Reissue Revised Statutes of Nebraska, is

14 amended to read:

15 28-934 (1) Any person who knowingly and intentionally strikes any
16 public safety officer with any bodily fluid is guilty of assault with a
17 bodily fluid against a public safety officer.
18 (2) Except as provided in subsection (3) of this section, assault
19 with a bodily fluid against a public safety officer is a Class I
20 misdemeanor.
21 (3) Assault with a bodily fluid against a public safety officer is a
22 Class IIIA felony if the person committing the offense strikes with a
23 bodily fluid the eyes, mouth, or skin of a public safety officer and knew
24 the source of the bodily fluid was infected with the human
25 immunodeficiency virus, hepatitis B, or hepatitis C at the time the
26 offense was committed.
27 (4) Upon a showing of probable cause by affidavit to a judge of this
1 state that an offense as defined in subsection (1) of this section has
2 been committed and that identifies the probable source of the bodily
3 fluid or bodily fluids used to commit the offense, the judge shall grant
4 an order or issue a search warrant authorizing the collection of any
5 evidence, including any bodily fluid or medical records or the
6 performance of any medical or scientific testing or analysis, that may
7 assist with the determination of whether or not the person committing the
8 offense or the person from whom the person committing the offense
9 obtained the bodily fluid or bodily fluids is infected with the human
10 immunodeficiency virus, hepatitis B, or hepatitis C.
11 (5) As used in this section:
12 (a) Bodily fluid means any naturally produced secretion or waste
13 product generated by the human body and shall include, but not be limited
14 to, any quantity of human blood, urine, saliva, mucus, vomitus, seminal
15 fluid, or feces; and
16 (b) Public safety officer includes any of the following persons who
17 are engaged in the performance of their official duties at the time of
18 the offense: A peace officer; a probation officer; a firefighter; an out-
19 of-hospital emergency care provider as defined in section 28-929.01; a
20 health care professional as defined in section 28-929.01; an employee of
21 a county, city, or village jail; an employee of the Department of
22 Correctional Services; an employee of the secure youth confinement
23 facility operated by the Department of Correctional Services, if the
24 person committing the offense is committed to such facility; an employee
25 of the Youth Rehabilitation and Treatment Center-Geneva or the Youth
26 Rehabilitation and Treatment Center-Kearney; or an employee of the
27 Department of Health and Human Services if the person committing the
28 offense is committed as a dangerous sex offender under the Sex Offender
29 Commitment Act.
30 Sec. 3. Original sections 28-929.02 and 28-934, Reissue Revised
31 Statutes of Nebraska, are repealed.

The McDonnell amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 104. Title read. Considered.

Committee AM1464, found on page 470, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

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

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 869. Placed on General File with amendment.

AM1850

- 1 1. On page 3, line 6, strike "or district court".
- 2 2. On page 4, line 15, strike "diversion or" and insert "diversion
3 program offered by the county attorney or city attorney or the" and
4 strike "or district"; and in line 16 strike "court".
- 5 3. On page 5, line 2, strike "or district".

(Signed) Laura Ebke, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 334. Introduced by Geist, 25.

WHEREAS, the Lincoln East High School wrestling team won the 2018 Class A State Wrestling Championship; and

WHEREAS, Lincoln East had not won the State Wrestling team title since 2004; and

WHEREAS, the Lincoln East Spartans were the only team at the championship meet to have an entry qualify in each of the fourteen weight classes; and

WHEREAS, sophomore Maxx Mayfield won the 120-pound division title, junior Chance Fry won the 145-pound division title, and senior DaShawn Dixon won the 152-pound division title; and

WHEREAS, junior Andrew (A.J.) Muthersbaugh was the runner-up in the 182-pound division; and

WHEREAS, the other Spartans competing in the State Wrestling Championship included seniors Elliot Alexander, Corbin Harrington, Cade Kammerer, Adam Kinnaman, and Drake Reinke, juniors Chris Karmazin and Nathan Rizek, sophomores Grant Lyman and Breckin Sperling, and freshman Nic Swift; and

WHEREAS, co-head coaches, Jeff Rutledge and Keenan McCurdy, led the team with their experience as alumni of the program, former individual state champions, and members of a state title team; 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 Lincoln East High School wrestling team on its state wrestling championship and Maxx Mayfield, Chance Fry, and DaShawn Dixon on their individual state wrestling titles.

2. That copies of this resolution be sent to Lincoln East High School, wrestlers Maxx Mayfield, Chance Fry, and DaShawn Dixon, and coaches Jeff Rutledge and Keenan McCurdy.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB295:

AM2071

(Amendments to Standing Committee amendments, AM1418)

- 1 1. On page 2, line 12, strike "2017" and insert "2018".
- 2 2. On page 3, line 31; page 5, line 1; page 6, line 10; page 7, line 3 12; and page 9, line 19, strike "2019" and insert "2020".
- 4 3. On page 4, line 4; page 5, line 10; page 6, line 14; and page 7, 5 line 16, after "to" insert "seventy-five percent of".
- 6 4. On page 4, line 8; page 5, line 17; page 6, line 19; page 7, line 7 19; and page 9, line 20, strike "2020" and insert "2021".

Senator Smith filed the following amendment to LB1089:

AM2188

(Amendments to Standing Committee amendments, AM2049)

- 1 1. Strike section 20.
- 2 2. Renumber the remaining sections, correct internal references, and 3 correct the repealer accordingly.

Senator Morfeld filed the following amendment to LB389:

AM2138

(Amendments to Standing Committee amendments, AM1456)

- 1 1. On page 2, line 30, after "city" insert "of the second class".
- 2 2. On page 3, line 1, after "utilities" insert "in cities of the 3 second class".

Senator McCollister filed the following amendment to LB389:

AM2131

(Amendments to Standing Committee amendments, AM1456)

- 1 1. Insert the following new section:
- 2 Sec. 40. This act becomes operative on January 31, 2022.

Senator McCollister filed the following amendment to LB389:

AM2137

(Amendments to Standing Committee amendments, AM1456)

- 1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Sections 1 to 20 of this act shall be known and may be
4 cited as the Small Wireless Facilities Act.

5 Sec. 2. The Legislature finds and declares that:

6 (1) There is a need for statewide uniformity in the regulation of
7 the deployment of facilities for providing wireless service;

8 (2) Wireless facilities are critical to public safety and to
9 increase access to advanced wireless technology and information services;

10 (3) Wireless facilities are essential to help businesses and schools
11 throughout the state remain competitive in the global economy; and

12 (4) The permitting, construction, modification, maintenance,
13 installation, replacement, and operation of wireless facilities are
14 matters of statewide and local concern and interest.

15 Sec. 3. The purposes of the Small Wireless Facilities Act are to:

16 (1) Secure public access to advanced wireless technology and
17 information services in an efficient manner;

18 (2) Promote the public benefits from such wireless technology and a
19 reliable process for deployment of small wireless facilities; and

20 (3) Confirm that wireless service providers and communications
21 facility providers have a right to occupy and utilize public rights-of-
22 way as set forth in the act for the efficient conduct of their business.

23 Sec. 4. For purposes of the Small Wireless Facilities Act, the
24 definitions in sections 5 to 18 of this act apply.

25 Sec. 5. Applicant means a wireless service provider that submits an
26 application to an authority for approval of the collocation of one or
1 more wireless facilities or placement of a pole for the collocation of
2 small wireless facilities.

3 Sec. 6. Authority means a county, city, village, public power
4 district, or other political subdivision within the State of Nebraska.

5 Sec. 7. Authority right-of-way means the area on, below, or above a
6 public highway, street, sidewalk, alley, or similar property under the
7 jurisdiction of an authority and includes a federal interstate highway.

8 Sec. 8. Collocate or collocation means the mounting, installation,
9 maintenance, modification, replacement, or operation of small wireless
10 facilities on or adjacent to a tower, building, pole, or structure for
11 the purpose of transmitting or receiving radio frequency signals for
12 communications purposes. Collocate or collocation also means the
13 mounting, installation, maintenance, or modification of small wireless
14 facilities-rated pole or streetlight or on a new replacement pole in the
15 same location where a current pole exists.

16 Sec. 9. Communications facility means any facility used to provide
17 wireless service or fixed wireless service, including microwave backhaul,
18 and includes an antenna, vertical cable runs and related conduit on a
19 pole for the connection of power and other services, pipes, radio
20 transceivers, microwave devices, power supplies, and all other equipment
21 used to provide communications service. Communications facility also
22 includes wireless facilities.

23 Sec. 10. Communications facility provider means a person or entity
24 that installs or constructs facilities or structures used to provide

25 communications services.

26 Sec. 11. Communications service means service provided over a
27 communications facility, including cable service as defined in 47 U.S.C.
28 522(6), information service as defined in 47 U.S.C. 153(24), and
29 telecommunications service as defined in 47 U.S.C. 153(53), as such
30 sections existed on January 1, 2018, including, but not limited to,
31 wireline backhaul service. Communications service also includes wireless
1 service as defined in section 15 of this act.

2 Sec. 12. Pole means a utility pole, pole, light pole, light
3 standard, or structure that is used in whole or in part for
4 communications service, lighting, or a similar function.

5 Sec. 13. Small wireless facility means a wireless facility that
6 meets the following qualifications:

7 (1) Each antenna is located inside an enclosure of no more than
8 three cubic feet in volume, or in the case of an antenna that has exposed
9 elements, the antenna and all its exposed elements could fit within an
10 enclosure of no more than three cubic feet; and

11 (2) All other wireless equipment associated with the structure is
12 cumulatively no more than seventeen and one half cubic feet in volume.
13 The following types of associated ancillary equipment are included in the
14 calculation of equipment volume: Electric meters, concealment material,
15 telecommunications demarcation boxes, ground-based enclosures, backup
16 power systems, grounding equipment, power transfer switches, cutoff
17 switches, and vertical cable runs and related conduit on a pole for
18 connection of power and other services.

19 Sec. 14. Wireless facility means equipment at a fixed location that
20 enables the provision of wireless services between user equipment and a
21 communications network, including radio transceivers, antennas, regular
22 and backup power supplies, and comparable equipment regardless of
23 technological configuration. Wireless facility includes small wireless
24 facilities but does not include wireline backhaul service facilities or
25 coaxial or fiber-optic cable that is between poles or wireless support
26 structures or that is otherwise not immediately adjacent to or directly
27 associated with a particular collocation.

28 Sec. 15. Wireless service means any service using licensed wireless
29 spectrum whether fixed or mobile and is provided using wireless
30 facilities and includes personal wireless service as defined in 47 U.S.C.
31 332 and mobile service as defined in 47 U.S.C. 153(33), as such sections
1 existed on January 1, 2018.

2 Sec. 16. Wireless service provider means a person who provides
3 wireless services.

4 Sec. 17. Wireless support structure means a pole or other
5 freestanding structure capable of supporting the attachment or
6 installation of small wireless facilities in compliance with applicable
7 codes, including, but not limited to, water towers, buildings, and other
8 structures whether within or outside the authority right-of-way.

9 Sec. 18. Wireline backhaul service means the transport of
10 communications service by wire from wireless facilities to a network.

11 Sec. 19. (1) For any construction, operation, collocation, or

12 placement of communications facilities, small wireless facilities,
13 wireless facilities, or wireless support structures that occur along,
14 upon, across, or under a state or federal highway or upon a state-owned
15 wireless support structure, the application process, location, and
16 installation of such facilities and structures, as such pertain to the
17 present and future use of the right-of-way or state-owned poles or
18 wireless support structures for highway purposes, are subject to the
19 rules and regulations, guidance documents, and usual and customary
20 permitting requirements of the State of Nebraska and the Department of
21 Transportation, including, but not limited to, requirements for location
22 and design review, liability and automobile insurance, indemnification of
23 the department from liability, protection of public safety and property
24 interests, and compliance with federal transportation funding
25 requirements.
26 (2) The construction, operation, collocation, or placement of
27 communications facilities, small wireless facilities, wireless
28 facilities, or wireless support structures shall occur at no cost to the
29 department unless otherwise agreed in advance between an applicant and
30 the department.
31 (3) The department may set and collect a reasonable application fee
1 to cover its costs in administering the activities described in this
2 section, as well as a uniform and nondiscriminatory system of occupancy
3 fees for the use and occupancy of state-owned property.
4 (4) If the future use of the state or federal highway requires the
5 moving or relocating of communications facilities, small wireless
6 facilities, wireless facilities, or wireless support structures, such
7 facilities or structures shall be removed or relocated by the owner at
8 the owner's expense and as directed by the department.
9 Sec. 20. (1) For any construction, operation, collocation, or
10 placement of communications facilities, small wireless facilities,
11 wireless facilities, or wireless support structures that occur within an
12 authority right-of-way, the application process, location, and
13 installation of such facilities and structures, as such pertain to the
14 present and future use of the authority right-of-way or authority-owned
15 poles or wireless support structures, are subject to the contractual
16 requirements, rules and regulations, guidance documents, and usual and
17 customary permitting requirements of the authority, including, but not
18 limited to, requirements for location and design review, third-party
19 technical review, liability and insurance, indemnification of the
20 authority from liability, protection of public safety and property
21 interests, and compliance with federal, state, and local requirements.
22 (2) The construction, operation, collocation, or placement of
23 communications facilities, small wireless facilities, wireless
24 facilities, or wireless support structures shall occur at no cost to the
25 authority unless otherwise agreed in advance between an applicant and the
26 authority.
27 (3) The authority may set and collect a reasonable application fee
28 to cover its costs in administering the activities described in this
29 section, as well as a uniform and nondiscriminatory system of occupancy

30 fees for the use and occupancy of authority-owned property, including
31 rights-of-way.
1 (4) If the future use of the authority right-of-way requires the
2 moving or relocating of communications facilities, small wireless
3 facilities, wireless facilities, or wireless support structures, such
4 facilities or structures shall be removed or relocated by the
5 communications facility provider or wireless service provider at such
6 provider's expense and as directed by the authority.

ANNOUNCEMENT

Senator Larson announced the General Affairs Committee will hold an executive session Thursday, March 1, 2018, at 9:15 a.m., in Room 2022.

ADJOURNMENT

At 4:59 p.m., on a motion by Senator Erdman, the Legislature adjourned until 9:00 a.m., Thursday, March 1, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SIXTH DAY - MARCH 1, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 1, 2018

PRAYER

The prayer was offered by Pastor Allison Siburg, Salem Lutheran Church, Fontanelle.

ROLL CALL

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

The roll was called and all members were present except Senators Baker, Hansen, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

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 February 28, 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

Brandt, Horan, Hallstrom and Stilmock
Charter Communications, Inc.
Jensen Rogert Associates, Inc.
Nebraska Financial Services Association

Joekel, Tiffany
 OpenSky Policy Institute (Withdrawn 2/27/2018)
 Kelley Plucker, LLC
 Charter Communications, Inc.
 O'Hara Lindsay & Associates, Inc.
 Greater Nebraska Cities

GENERAL FILE

LEGISLATIVE BILL 117. Title read. Considered.

Committee AM46, found on page 710, First Session, 2017, was offered.

Senator Chambers offered the following motion:

MO237

Bracket until April 4, 2018.

Senator Chambers withdrew his motion to bracket.

Senator Kuehn offered the following motion:

MO238

Bracket until April 18, 2018.

Senator Kuehn moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

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

Voting in the affirmative, 11:

Albrecht	Chambers	Friesen	Lowe
Brasch	Clements	Hughes	Schumacher
Brewer	Erdman	Kuehn	

Voting in the negative, 30:

Baker	Geist	Kolowski	Murante	Thibodeau
Blood	Groene	Kolterman	Pansing Brooks	Vargas
Bolz	Halloran	Krist	Quick	Walz
Bostelman	Harr	Lindstrom	Scheer	Wayne
Crawford	Hilkemann	McCollister	Smith	Williams
Ebke	Howard	McDonnell	Stinner	Wishart

Present and not voting, 6:

Briese	Linehan	Riepe
Larson	Morfeld	Watermeier

Excused and not voting, 2:

Hansen Hilgers

The Kuehn motion to bracket failed with 11 ayes, 30 nays, 6 present and not voting, and 2 excused and not voting.

The committee amendment was adopted with 29 ayes, 9 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

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

Senator Hilkemann requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 33:

Baker	Geist	Kolterman	Murante	Vargas
Blood	Groene	Krist	Pansing Brooks	Walz
Bolz	Halloran	Lindstrom	Quick	Wayne
Bostelman	Harr	Linehan	Scheer	Williams
Briese	Hilkemann	McCollister	Smith	Wishart
Crawford	Howard	McDonnell	Stinner	
Ebke	Kolowski	Morfeld	Thibodeau	

Voting in the negative, 12:

Albrecht	Chambers	Friesen	Kuehn
Brasch	Clements	Hilgers	Lowe
Brewer	Erdman	Hughes	Watermeier

Present and not voting, 3:

Larson	Riepe	Schumacher
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Excused and not voting, 1:

Hansen

Advanced to Enrollment and Review Initial with 33 ayes, 12 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs 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.

Roger A. Dixon - Nebraska Tourism Commission

Aye: 8 Blood, Brewer, Briese, Hilgers, Lowe, Murante, Thibodeau, Wayne.
Nay: 0. Absent: 0. Present and not voting: 0.

The Government, Military and Veterans Affairs 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.

Sherry Blaha - State Emergency Response Commission
Matthew J. DiVito - State Emergency Response Commission
John Grimes - State Emergency Response Commission
Joseph Oswalt - State Emergency Response Commission

Aye: 8 Blood, Brewer, Briese, Hilgers, Lowe, Murante, Thibodeau, Wayne.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) John Murante, Chairperson

EXPLANATION(S) OF VOTE(S)

Had I been present, I would have voted "aye" on final passage of LBs 78, 285, 345, 472, 480, 486, 618, 710, 744, 757, 310, 275, and 758.

(Signed) Justin Wayne

GENERAL FILE

LEGISLATIVE BILL 596. Title read. Considered.

Committee AM621, found on page 971, First Session, 2017, was offered.

Pending.

AMENDMENT(S) - Print in Journal

Senator Kuehn filed the following amendment to LB596:

FA112

Amend AM621

Add a new sentence: On page 2, line 15, strike the word "horses" and insert the word "equine".

MOTION(S) - Print in Journal

Senator Chambers filed the following motion to LB596:
MO239
Bracket until April 4, 2018.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Pansing Brooks name added to LB747.
Senator Linehan name added to LB1040.
Senator Linehan name added to LR6.

VISITORS

Visitors to the Chamber were 30 advocates for the Alzheimer's Association; 13 third- and fourth-grade students from Trinity Lutheran School, Lincoln; and Hannah Cass, intern for Senator Pansing Brooks.

The Doctor of the Day was Dr. Tina Kearney from Lincoln.

ADJOURNMENT

At 11:42 a.m., on a motion by Senator Lowe, the Legislature adjourned until 9:00 a.m., Tuesday, March 6, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

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

THIRTY-EIGHTH DAY - MARCH 7, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 7, 2018

PRAYER

The prayer was offered by Father Ryan Lewis, Gross Catholic High School, Bellevue.

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 Senator Kuehn who was excused; and Senators Geist, Groene, Hughes, Kolowski, Murante, Watermeier, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

GENERAL FILE

LEGISLATIVE BILL 697. Title read. Considered.

Senator Chambers offered the following motion:

MO244

Indefinitely postpone.

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

The Chambers motion to indefinitely postpone failed with 0 ayes, 25 nays, 18 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following motion:

MO245

Reconsider the vote taken to indefinitely postpone.

The Chambers motion to reconsider failed with 1 aye, 23 nays, 19 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following motion:

MO246

Recommit to the Judiciary Committee.

The Chambers motion to recommit to committee failed with 1 aye, 24 nays, 19 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following motion:

MO247

Reconsider the vote taken to recommit to committee.

The Chambers motion to reconsider failed with 1 aye, 27 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 724. Title read. Considered.

Committee AM1707, found on page 536, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 714. Title read. Considered.

Committee AM1754, found on page 519, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 702. Title read. Considered.

Committee AM1887, found on page 719, was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 339. Introduced by Thibodeau, 6.

PURPOSE: The purpose of this resolution is to study the issuance and usage of special designated licenses under the Nebraska Liquor Control Act issued pursuant to section 53-124.11 of the Nebraska Revised Statutes.

The study shall include, but not be limited to, an examination of the following:

- (1) The application process and cost of acquiring a special designated license;
- (2) The rights and liabilities of special designated license holders, local governing bodies, and the Nebraska Liquor Control Commission; and
- (3) The interplay of catering license holders and their utilizations of special designated licenses.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 44. Placed on Final Reading.

ST46

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

1. On page 1, the matter beginning with "revenue" in line 1 through line 2 has been struck and "revenue and taxation; to amend sections 77-2701.13 and 77-2701.32, Reissue Revised Statutes of Nebraska; to adopt the Noncollecting Retailer Notice and Reporting Act; to provide civil penalties; to require taxpayer notice and reporting to the Department of Revenue as prescribed; to provide for taxation of certain business entities that lack a physical presence in this state; to provide for termination and operative dates for notice, reporting, and taxation provisions as prescribed; to provide severability; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Anna Wishart, Chairperson

VISITORS

Visitors to the Chamber were 18 seventh- through twelfth-grade students from Stirling Education, Council Bluffs, IA; 35 fourth-grade students from Pershing Elementary, Lexington; 20 twelfth-grade students from Central Valley High School, Greeley; 36 fourth-grade students from Wildwood Elementary, Ralston; and 30 members of Mom's Demand Action for Gun Safety from across the state.

RECESS

At 11:57 a.m., on a motion by Senator Howard, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senator Kuehn who was excused; and Senators Albrecht, Bostelman, Geist, Howard, Hughes, Kolowski, Larson, McCollister, Murante, Quick, Scheer, Walz, and Wishart who were excused until they arrive.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, and 333 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, and 333.

GENERAL FILE

LEGISLATIVE BILL 861. Title read. Considered.

Committee AM1946, found on page 693, was offered.

Senator Harr offered the following amendment to the committee amendment:

AM2285

(Amendments to Standing Committee amendments, AM1946)

- 1 1. Insert the following new section:
- 2 Sec. 6. If a state official or employee is suspected of committing
- 3 a crime or if the Attorney General has an actual or perceived personal or
- 4 ethical conflict in the prosecution of an alleged crime, the Attorney
- 5 General may request the appointment of independent counsel to appear as
- 6 counsel for the state in such action and to investigate and prosecute
- 7 such action. The request shall be made to the district court in any
- 8 county where the crime was alleged to have been committed. The
- 9 independent counsel shall have the same powers and prerogatives as the
- 10 Attorney General and, in each of the several counties, as a county
- 11 attorney. The independent counsel may employ such assistance and incur
- 12 such expenses as necessary in any such action. Such expenses shall be

13 paid from the budget of the Attorney General. The independent counsel
 14 shall be independent of and not act under the authority or direction of
 15 the Attorney General.

16 2. Renumber the remaining section accordingly.

The Harr amendment was adopted with 26 ayes, 1 nay, 8 present and not voting, and 14 excused and not voting.

The committee amendment, as amended, was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

LEGISLATIVE RESOLUTION 269CA. Read. Considered.

SPEAKER SCHEER PRESIDING

Senator Schumacher moved for a call of the house. The motion prevailed with 23 ayes, 4 nays, and 22 not voting.

Senator Schumacher requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 19:

Baker	Ebke	Hilkemann	McCollister	Walz
Brewer	Friesen	Hughes	McDonnell	Watermeier
Briese	Groene	Kolowski	Schumacher	Wayne
Chambers	Harr	Linehan	Smith	

Voting in the negative, 19:

Albrecht	Clements	Hilgers	Morfeld	Stinner
Blood	Erdman	Kolterman	Murante	Thibodeau
Bostelman	Geist	Lindstrom	Riepe	Williams
Brasch	Halloran	Lowe	Scheer	

Present and not voting, 6:

Bolz	Hansen	Quick
Crawford	Pansing Brooks	Vargas

Excused and not voting, 5:

Howard	Krist	Kuehn	Larson	Wishart
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Failed to advance to Enrollment and Review Initial with 19 ayes, 19 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 98. Senator Erdman renewed his amendment, AM819, found on page 850 and considered on page 1274, First Session, 2017.

Senator Erdman offered the following motion:

MO248

Bracket until April 18, 2018.

Senator Friesen offered the following motion:

MO249

Invoke cloture pursuant to Rule 7, Sec. 10.

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

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

Voting in the affirmative, 27:

Baker	Friesen	Kolterman	Pansing Brooks	Watermeier
Blood	Hansen	Krist	Quick	Williams
Bolz	Harr	Lindstrom	Smith	Wishart
Bostelman	Hilkemann	Linehan	Stinner	
Chambers	Hughes	McCollister	Vargas	
Crawford	Kolowski	Morfeld	Walz	

Voting in the negative, 14:

Albrecht	Briese	Geist	Hilgers	Riepe
Brasch	Clements	Groene	Lowe	Thibodeau
Brewer	Erdman	Halloran	Murante	

Present and not voting, 4:

Ebke	Scheer	Schumacher	Wayne
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Excused and not voting, 4:

Howard	Kuehn	Larson	McDonnell
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The Friesen motion to invoke cloture failed with 27 ayes, 14 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB1009:
AM2254

(Amendments to Standing Committee amendments, AM1737)

- 1 1. On page 6, line 31; and page 7, lines 4, 6, and 8, strike the new
2 matter and reinstate the stricken matter.
- 3 2. On page 7, line 1, reinstate the stricken matter; in line 2
4 strike paragraphing and "(i) The maximum speed limit shall be"; and
5 strike lines 9 through 12.

VISITORS

Visitors to the Chamber were 27 fourth-grade students from Pershing Elementary, Lexington; and Senator Scheer's wife and sister, Kris Scheer, and Dr. Mary Scheer from Nashville.

The Doctor of the Day was Dr. John Jacobsen from Kearney.

ADJOURNMENT

At 4:55 p.m., on a motion by Senator Hilkemann, the Legislature adjourned until 9:00 a.m., Thursday, March 8, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 8, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 8, 2018

PRAYER

The prayer was offered by Senator Williams.

ROLL CALL

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

The roll was called and all members were present except Senators Kuehn and Vargas who were excused; and Senators Larson, Linehan, McCollister, Morfeld, Pansing Brooks, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

GENERAL FILE

LEGISLATIVE BILL 42. Title read. Considered.

Committee AM1965, found on page 700, was offered.

Senator Hilkemann moved for a call of the house. The motion prevailed with 24 ayes, 2 nays, and 23 not voting.

The committee amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

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

Voting in the affirmative, 36:

Baker	Crawford	Howard	Morfeld	Walz
Blood	Ebke	Kolowski	Pansing Brooks	Wayne
Bolz	Friesen	Kolterman	Quick	Williams
Bostelman	Groene	Krist	Riepe	Wishart
Brasch	Halloran	Lindstrom	Schumacher	
Brewer	Hansen	Linehan	Smith	
Briese	Harr	McCollister	Stinner	
Chambers	Hilkemann	McDonnell	Thibodeau	

Voting in the negative, 3:

Erdman	Lowe	Murante
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Present and not voting, 5:

Albrecht	Clements	Geist	Hughes	Scheer
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Excused and not voting, 5:

Hilgers	Kuehn	Larson	Vargas	Watermeier
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Advanced to Enrollment and Review Initial with 36 ayes, 3 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1090. Title read. Considered.

Senator Smith withdrew his amendment, AM1704, found on page 671.

Senator Krist offered the following amendment:

AM2255

1 1. Insert the following new section:

2 Sec. 3. Section 77-4212, Revised Statutes Supplement, 2017, is

3 amended to read:

4 77-4212 (1) For tax year 2007, the amount of relief granted under

5 the Property Tax Credit Act shall be one hundred five million dollars.

6 For tax year 2008, the amount of relief granted under the act shall be

7 one hundred fifteen million dollars. It is the intent of the Legislature

8 to fund the Property Tax Credit Act for tax years 2009 through 2016 ~~after~~

9 ~~tax year 2008~~ using available revenue. For tax ~~years year~~ 2017 and 2018,

10 the amount of relief granted under the act shall be two hundred twenty-

11 four million dollars. For tax year 2019, the amount of relief granted

12 under the act shall be two hundred forty-four million dollars. The relief

13 shall be in the form of a property tax credit which appears on the

14 property tax statement.

15 (2)(a) For tax years prior to tax year 2017, to determine the amount

16 of the property tax credit, the county treasurer shall multiply the

17 amount disbursed to the county under subdivision (4)(a) of this section

18 by the ratio of the real property valuation of the parcel to the total
19 real property valuation in the county. The amount determined shall be the
20 property tax credit for the property.

21 (b) Beginning with tax year 2017, to determine the amount of the
22 property tax credit, the county treasurer shall multiply the amount
23 disbursed to the county under subdivision (4)(b) of this section by the
24 ratio of the credit allocation valuation of the parcel to the total
25 credit allocation valuation in the county. The amount determined shall be
26 the property tax credit for the property.

27 (3) If the real property owner qualifies for a homestead exemption
1 under sections 77-3501 to 77-3529, the owner shall also be qualified for
2 the relief provided in the act to the extent of any remaining liability
3 after calculation of the relief provided by the homestead exemption. If
4 the credit results in a property tax liability on the homestead that is
5 less than zero, the amount of the credit which cannot be used by the
6 taxpayer shall be returned to the State Treasurer by July 1 of the year
7 the amount disbursed to the county was disbursed. The State Treasurer
8 shall immediately credit any funds returned under this subsection to the
9 Property Tax Credit Cash Fund. Upon the return of any funds under this
10 subsection, the county treasurer shall electronically file a report with
11 the Property Tax Administrator, on a form prescribed by the Tax
12 Commissioner, indicating the amount of funds distributed to each taxing
13 unit in the county in the year the funds were returned, any collection
14 fee retained by the county in such year, and the amount of unused credits
15 returned.

16 (4)(a) For tax years prior to tax year 2017, the amount disbursed to
17 each county shall be equal to the amount available for disbursement
18 determined under subsection (1) of this section multiplied by the ratio
19 of the real property valuation in the county to the real property
20 valuation in the state. By September 15, the Property Tax Administrator
21 shall determine the amount to be disbursed under this subdivision to each
22 county and certify such amounts to the State Treasurer and to each
23 county. The disbursements to the counties shall occur in two equal
24 payments, the first on or before January 31 and the second on or before
25 April 1. After retaining one percent of the receipts for costs, the
26 county treasurer shall allocate the remaining receipts to each taxing
27 unit levying taxes on taxable property in the tax district in which the
28 real property is located in the same proportion that the levy of such
29 taxing unit bears to the total levy on taxable property of all the taxing
30 units in the tax district in which the real property is located.

31 (b) Beginning with tax year 2017, the amount disbursed to each
1 county shall be equal to the amount available for disbursement determined
2 under subsection (1) of this section multiplied by the ratio of the
3 credit allocation valuation in the county to the credit allocation
4 valuation in the state. By September 15, the Property Tax Administrator
5 shall determine the amount to be disbursed under this subdivision to each
6 county and certify such amounts to the State Treasurer and to each
7 county. The disbursements to the counties shall occur in two equal
8 payments, the first on or before January 31 and the second on or before

9 April 1. After retaining one percent of the receipts for costs, the
10 county treasurer shall allocate the remaining receipts to each taxing
11 unit based on its share of the credits granted to all taxpayers in the
12 taxing unit.

13 (5) For purposes of this section, credit allocation valuation means
14 the taxable value for all real property except agricultural land and
15 horticultural land, one hundred twenty percent of taxable value for
16 agricultural land and horticultural land that is not subject to special
17 valuation, and one hundred twenty percent of taxable value for
18 agricultural land and horticultural land that is subject to special
19 valuation.

20 (6) The State Treasurer shall transfer from the General Fund to the
21 Property Tax Credit Cash Fund one hundred five million dollars by August
22 1, 2007, and one hundred fifteen million dollars by August 1, 2008.

23 (7) The Legislature shall have the power to transfer funds from the
24 Property Tax Credit Cash Fund to the General Fund.

25 2. On page 5, line 11, after "individual" insert "whose income meets
26 the requirements of subdivision (1)(c) of this section"; and after line
27 29 insert the following new subdivision:

28 "(c) An individual shall be eligible for the personal exemption
29 credit allowed under subdivision (1)(b) of this section if federal
30 adjusted gross income is no more than (i) two hundred thousand dollars
31 for individuals with a filing status of married filing jointly or (ii)
1 one hundred thousand dollars for individuals with any other filing
2 status.".

3 3. Renumber the remaining section and correct the repealer
4 accordingly.

Senator Krist moved for a call of the house. The motion prevailed with 23
ayes, 3 nays, and 23 not voting.

Senator Krist requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Baker	Hansen	Krist	Quick
Bolz	Howard	Morfeld	Walz
Crawford	Kolowski	Pansing Brooks	Wayne

Voting in the negative, 24:

Albrecht	Geist	Kolterman	Riepe	Thibodeau
Brasch	Groene	Lindstrom	Scheer	Watermeier
Brewer	Halloran	Linehan	Schumacher	Williams
Clements	Hilgers	Lowe	Smith	Wishart
Friesen	Hughes	Murante	Stinner	

Present and not voting, 8:

Blood	Chambers	Harr	McCollister
Briese	Erdman	Hilkemann	McDonnell

Excused and not voting, 5:

Bostelman	Ebke	Kuehn	Larson	Vargas
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The Krist amendment lost with 12 ayes, 24 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 439. Placed on Final Reading.

LEGISLATIVE BILL 439A. Placed on Final Reading.

LEGISLATIVE BILL 874. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 826. Placed on General File.

LEGISLATIVE BILL 977. Placed on General File.

LEGISLATIVE BILL 982. Placed on General File.

LEGISLATIVE BILL 1047. Placed on General File.

LEGISLATIVE BILL 1082. Placed on General File.

LEGISLATIVE BILL 811. Placed on General File with amendment.
AM2216

1 1. On page 3, line 4, after "to" insert "intentionally and
2 knowingly"; and in lines 5 and 18, strike "directly or indirectly".

LEGISLATIVE BILL 990. Placed on General File with amendment.
AM2209

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 28-101, Revised Statutes Supplement, 2017, is
4 amended to read:
5 28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and section
6 3 of this act shall be known and may be cited as the Nebraska Criminal
7 Code.
8 Sec. 2. Section 28-1201, Revised Statutes Supplement, 2017, is
9 amended to read:
10 28-1201 For purposes of sections 28-1201 to 28-1212.04 and section 3

11 of this act, unless the context otherwise requires:

12 (1) Firearm means any weapon which is designed to or may readily be
13 converted to expel any projectile by the action of an explosive or frame
14 or receiver of any such weapon;

15 (2) Fugitive from justice means any person who has fled or is
16 fleeing from any peace officer to avoid prosecution or incarceration for
17 a felony;

18 (3) Handgun means any firearm with a barrel less than sixteen inches
19 in length or any firearm designed to be held and fired by the use of a
20 single hand;

21 (4) Juvenile means any person under the age of eighteen years;

22 (5) Knife means:

23 (a) Any dagger, dirk, knife, or stiletto with a blade over three and
24 one-half inches in length and which, in the manner it is used or intended
25 to be used, is capable of producing death or serious bodily injury; or

26 (b) Any other dangerous instrument which is capable of inflicting
27 cutting, stabbing, or tearing wounds and which, in the manner it is used
1 or intended to be used, is capable of producing death or serious bodily
2 injury;

3 (6) Knuckles and brass or iron knuckles means any instrument that
4 consists of finger rings or guards made of a hard substance and that is
5 designed, made, or adapted for the purpose of inflicting serious bodily
6 injury or death by striking a person with a fist enclosed in the
7 knuckles;

8 (7) Machine gun means any firearm, whatever its size and usual
9 designation, that shoots automatically more than one shot, without manual
10 reloading, by a single function of the trigger;

11 (8) School means a public, private, denominational, or parochial
12 elementary, vocational, or secondary school, a private postsecondary
13 career school as defined in section 85-1603, a community college, a
14 public or private college, a junior college, or a university;

15 (9) Short rifle means a rifle having a barrel less than sixteen
16 inches long or an overall length of less than twenty-six inches; and

17 (10) Short shotgun means a shotgun having a barrel or barrels less
18 than eighteen inches long or an overall length of less than twenty-six
19 inches.

20 Sec. 3. (1) Except as provided in subsections (3) and (4) of this
21 section, a person under the age of twenty-five years who knowingly
22 possesses a firearm commits the offense of possession of a firearm by a
23 prohibited juvenile offender if he or she has previously been adjudicated
24 an offender in juvenile court for an act which would constitute a felony
25 or an act which would constitute a misdemeanor crime of domestic
26 violence.

27 (2) Possession of a firearm by a prohibited juvenile offender is a
28 Class IV felony for a first offense and a Class IIIA felony for a second
29 or subsequent offense.

30 (3) Subsection (1) of this section does not apply to the possession
31 of firearms by members of the armed forces of the United States, active
1 or reserve, National Guard of this state, or Reserve Officers Training

2 Corps or peace officers or other duly authorized law enforcement officers
3 when on duty or training.

4 (4)(a) Prior to reaching the age of twenty-five years, a person
5 subject to the prohibition of subsection (1) of this section may file a
6 petition for exemption from such prohibition and thereby have his or her
7 right to possess a firearm reinstated. A petitioner who is younger than
8 nineteen years of age shall petition the juvenile court in which he or
9 she was adjudicated for the underlying offense. A petitioner who is
10 nineteen years of age or older shall petition the district court in the
11 county in which he or she resides.

12 (b) In determining whether to grant a petition filed under
13 subdivision (4)(a) of this section, the court shall consider:

14 (i) The behavior of the person after the underlying adjudication;

15 (ii) The likelihood that the person will engage in further criminal
16 activity; and

17 (iii) Any other information the court considers relevant.

18 (c) The court may grant a petition filed under subdivision (4)(a) of
19 this section and issue an order exempting the person from the prohibition
20 of subsection (1) of this section when in the opinion of the court the
21 order will be in the best interests of the person and consistent with the
22 public welfare.

23 (5) The fact that a person subject to the prohibition under
24 subsection (1) of this section has reached the age of twenty-five or that
25 a court has granted a petition under subdivision (4)(a) of this section
26 shall not be construed to mean that such adjudication has been set aside.
27 Nothing in this section shall be construed to authorize the setting aside
28 of such an adjudication or conviction except as otherwise provided by
29 law.

30 (6) For purposes of this section, misdemeanor crime of domestic
31 violence has the same meaning as in section 28-1206.

1 Sec. 4. Section 28-1351, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-1351 (1) A person commits the offense of unlawful membership
4 recruitment into an organization or association when he or she knowingly
5 and intentionally coerces, intimidates, threatens, or inflicts bodily
6 harm upon another person in order to entice that other person to join or
7 prevent that other person from leaving any organization, group,
8 enterprise, or association whose members, individually or collectively,
9 engage in or have engaged in any of the following criminal acts for the
10 benefit of, at the direction of, or on behalf of the organization, group,
11 enterprise, or association or any of its members:

12 (a) Robbery under section 28-324;

13 (b) Arson in the first, second, or third degree under section
14 28-502, 28-503, or 28-504, respectively;

15 (c) Burglary under section 28-507;

16 (d) Murder in the first degree, murder in the second degree, or
17 manslaughter under section 28-303, 28-304, or 28-305, respectively;

18 (e) Violations of the Uniform Controlled Substances Act that involve
19 possession with intent to deliver, distribution, delivery, or manufacture

20 of a controlled substance;
21 (f) Unlawful use, possession, or discharge of a firearm or other
22 deadly weapon under sections 28-1201 to 28-1212.04 and section 3 of this
23 act;
24 (g) Assault in the first degree or assault in the second degree
25 under section 28-308 or 28-309, respectively;
26 (h) Assault on an officer, an emergency responder, a state
27 correctional employee, a Department of Health and Human Services
28 employee, or a health care professional in the first, second, or third
29 degree under section 28-929, 28-930, or 28-931, respectively, or assault
30 on an officer, an emergency responder, a state correctional employee, a
31 Department of Health and Human Services employee, or a health care
1 professional using a motor vehicle under section 28-931.01;
2 (i) Theft by unlawful taking or disposition under section 28-511;
3 (j) Theft by receiving stolen property under section 28-517;
4 (k) Theft by deception under section 28-512;
5 (l) Theft by extortion under section 28-513;
6 (m) Kidnapping under section 28-313;
7 (n) Any forgery offense under sections 28-602 to 28-605;
8 (o) Criminal impersonation under section 28-638;
9 (p) Tampering with a publicly exhibited contest under section
10 28-614;
11 (q) Unauthorized use of a financial transaction device or criminal
12 possession of a financial transaction device under section 28-620 or
13 28-621, respectively;
14 (r) Pandering under section 28-802;
15 (s) Bribery, bribery of a witness, or bribery of a juror under
16 section 28-917, 28-918, or 28-920, respectively;
17 (t) Tampering with a witness or an informant or jury tampering under
18 section 28-919;
19 (u) Unauthorized application of graffiti under section 28-524;
20 (v) Dogfighting, cockfighting, bearbaiting, or pitting an animal
21 against another under section 28-1005; or
22 (w) Promoting gambling in the first degree under section 28-1102.
23 (2) Unlawful membership recruitment into an organization or
24 association is a Class IV felony.
25 Sec. 5. Section 28-1354, Reissue Revised Statutes of Nebraska, is
26 amended to read:
27 28-1354 For purposes of the Public Protection Act:
28 (1) Enterprise means any individual, sole proprietorship,
29 partnership, corporation, trust, association, or any legal entity, union,
30 or group of individuals associated in fact although not a legal entity,
31 and shall include illicit as well as licit enterprises as well as other
1 entities;
2 (2) Pattern of racketeering activity means a cumulative loss for one
3 or more victims or gains for the enterprise of not less than one thousand
4 five hundred dollars resulting from at least two acts of racketeering
5 activity, one of which occurred after August 30, 2009, and the last of
6 which occurred within ten years, excluding any period of imprisonment,

7 after the commission of a prior act of racketeering activity;
8 (3) Until January 1, 2017, person means any individual or entity, as
9 defined in section 21-2014, holding or capable of holding a legal,
10 equitable, or beneficial interest in property. Beginning January 1, 2017,
11 person means any individual or entity, as defined in section 21-214,
12 holding or capable of holding a legal, equitable, or beneficial interest
13 in property;
14 (4) Prosecutor includes the Attorney General of the State of
15 Nebraska, the deputy attorney general, assistant attorneys general, a
16 county attorney, a deputy county attorney, or any person so designated by
17 the Attorney General, a county attorney, or a court of the state to carry
18 out the powers conferred by the act;
19 (5) Racketeering activity includes the commission of, criminal
20 attempt to commit, conspiracy to commit, aiding and abetting in the
21 commission of, aiding in the consummation of, acting as an accessory to
22 the commission of, or the solicitation, coercion, or intimidation of
23 another to commit or aid in the commission of any of the following:
24 (a) Offenses against the person which include: Murder in the first
25 degree under section 28-303; murder in the second degree under section
26 28-304; manslaughter under section 28-305; assault in the first degree
27 under section 28-308; assault in the second degree under section 28-309;
28 assault in the third degree under section 28-310; terroristic threats
29 under section 28-311.01; kidnapping under section 28-313; false
30 imprisonment in the first degree under section 28-314; false imprisonment
31 in the second degree under section 28-315; sexual assault in the first
1 degree under section 28-319; and robbery under section 28-324;
2 (b) Offenses relating to controlled substances which include: To
3 unlawfully manufacture, distribute, deliver, dispense, or possess with
4 intent to manufacture, distribute, deliver, or dispense a controlled
5 substance under subsection (1) of section 28-416; possession of marijuana
6 weighing more than one pound under subsection (12) of section 28-416;
7 possession of money used or intended to be used to facilitate a violation
8 of subsection (1) of section 28-416 prohibited under subsection (17) of
9 section 28-416; any violation of section 28-418; to unlawfully
10 manufacture, distribute, deliver, or possess with intent to distribute or
11 deliver an imitation controlled substance under section 28-445;
12 possession of anhydrous ammonia with the intent to manufacture
13 methamphetamine under section 28-451; and possession of ephedrine,
14 pseudoephedrine, or phenylpropanolamine with the intent to manufacture
15 methamphetamine under section 28-452;
16 (c) Offenses against property which include: Arson in the first
17 degree under section 28-502; arson in the second degree under section
18 28-503; arson in the third degree under section 28-504; burglary under
19 section 28-507; theft by unlawful taking or disposition under section
20 28-511; theft by shoplifting under section 28-511.01; theft by deception
21 under section 28-512; theft by extortion under section 28-513; theft of
22 services under section 28-515; theft by receiving stolen property under
23 section 28-517; criminal mischief under section 28-519; and unlawfully
24 depriving or obtaining property or services using a computer under

25 section 28-1344;
26 (d) Offenses involving fraud which include: Burning to defraud an
27 insurer under section 28-505; forgery in the first degree under section
28 28-602; forgery in the second degree under section 28-603; criminal
29 possession of a forged instrument under section 28-604; criminal
30 possession of written instrument forgery devices under section 28-605;
31 criminal impersonation under section 28-638; identity theft under section
1 28-639; identity fraud under section 28-640; false statement or book
2 entry under section 28-612; tampering with a publicly exhibited contest
3 under section 28-614; issuing a false financial statement for purposes of
4 obtaining a financial transaction device under section 28-619;
5 unauthorized use of a financial transaction device under section 28-620;
6 criminal possession of a financial transaction device under section
7 28-621; unlawful circulation of a financial transaction device in the
8 first degree under section 28-622; unlawful circulation of a financial
9 transaction device in the second degree under section 28-623; criminal
10 possession of a blank financial transaction device under section 28-624;
11 criminal sale of a blank financial transaction device under section
12 28-625; criminal possession of a financial transaction forgery device
13 under section 28-626; unlawful manufacture of a financial transaction
14 device under section 28-627; laundering of sales forms under section
15 28-628; unlawful acquisition of sales form processing services under
16 section 28-629; unlawful factoring of a financial transaction device
17 under section 28-630; and fraudulent insurance acts under section 28-631;
18 (e) Offenses involving governmental operations which include: Abuse
19 of public records under section 28-911; perjury or subornation of perjury
20 under section 28-915; bribery under section 28-917; bribery of a witness
21 under section 28-918; tampering with a witness or informant or jury
22 tampering under section 28-919; bribery of a juror under section 28-920;
23 assault on an officer, an emergency responder, a state correctional
24 employee, a Department of Health and Human Services employee, or a health
25 care professional in the first degree under section 28-929; assault on an
26 officer, an emergency responder, a state correctional employee, a
27 Department of Health and Human Services employee, or a health care
28 professional in the second degree under section 28-930; assault on an
29 officer, an emergency responder, a state correctional employee, a
30 Department of Health and Human Services employee, or a health care
31 professional in the third degree under section 28-931; and assault on an
1 officer, an emergency responder, a state correctional employee, a
2 Department of Health and Human Services employee, or a health care
3 professional using a motor vehicle under section 28-931.01;
4 (f) Offenses involving gambling which include: Promoting gambling in
5 the first degree under section 28-1102; possession of gambling records
6 under section 28-1105; gambling debt collection under section 28-1105.01;
7 and possession of a gambling device under section 28-1107;
8 (g) Offenses relating to firearms, weapons, and explosives which
9 include: Carrying a concealed weapon under section 28-1202;
10 transportation or possession of machine guns, short rifles, or short
11 shotguns under section 28-1203; unlawful possession of a handgun under

12 section 28-1204; unlawful transfer of a firearm to a juvenile under
13 section 28-1204.01; using a deadly weapon to commit a felony or
14 possession of a deadly weapon during the commission of a felony under
15 section 28-1205; possession of a deadly weapon by a prohibited person
16 under section 28-1206; possession of a firearm by a prohibited juvenile
17 offender under section 3 of this act; possession of a defaced firearm
18 under section 28-1207; defacing a firearm under section 28-1208; unlawful
19 discharge of a firearm under section 28-1212.02; possession, receipt,
20 retention, or disposition of a stolen firearm under section 28-1212.03;
21 unlawful possession of explosive materials in the first degree under
22 section 28-1215; unlawful possession of explosive materials in the second
23 degree under section 28-1216; unlawful sale of explosives under section
24 28-1217; use of explosives without a permit under section 28-1218;
25 obtaining an explosives permit through false representations under
26 section 28-1219; possession of a destructive device under section
27 28-1220; threatening the use of explosives or placing a false bomb under
28 section 28-1221; using explosives to commit a felony under section
29 28-1222; using explosives to damage or destroy property under section
30 28-1223; and using explosives to kill or injure any person under section
31 28-1224;

1 (h) Any violation of the Securities Act of Nebraska pursuant to
2 section 8-1117;

3 (i) Any violation of the Nebraska Revenue Act of 1967 pursuant to
4 section 77-2713;

5 (j) Offenses relating to public health and morals which include:
6 Prostitution under section 28-801; pandering under section 28-802;
7 keeping a place of prostitution under section 28-804; labor trafficking,
8 sex trafficking, labor trafficking of a minor, or sex trafficking of a
9 minor under section 28-831; a violation of section 28-1005; and any act
10 relating to the visual depiction of sexually explicit conduct prohibited
11 in the Child Pornography Prevention Act; and

12 (k) A violation of the Computer Crimes Act;

13 (6) State means the State of Nebraska or any political subdivision
14 or any department, agency, or instrumentality thereof; and

15 (7) Unlawful debt means a debt of at least one thousand five hundred
16 dollars:

17 (a) Incurred or contracted in gambling activity which was in
18 violation of federal law or the law of the state or which is
19 unenforceable under state or federal law in whole or in part as to
20 principal or interest because of the laws relating to usury; or

21 (b) Which was incurred in connection with the business of gambling
22 in violation of federal law or the law of the state or the business of
23 lending money or a thing of value at a rate usurious under state law if
24 the usurious rate is at least twice the enforceable rate.

25 Sec. 6. (1) When the petition alleges the juvenile committed an act
26 which would constitute a felony or an act which would constitute a
27 misdemeanor crime of domestic violence, the court shall explain the
28 specific legal consequences that an adjudication for such an act will
29 have on the juvenile's right to possess a firearm. The court shall

30 provide such explanation at the earlier of:

31 (a) The juvenile's first court appearance or, if the juvenile is not
 1 present in the court at the time of the first appearance, by written
 2 notice sent by regular mail to the juvenile's last-known address; or

3 (b) Prior to adjudication.

4 (2) For purposes of this section:

5 (a) Firearm has the same meaning as in section 28-1201; and

6 (b) Misdemeanor crime of domestic violence has the same meaning as
 7 in section 28-1206.

8 Sec. 7. Section 43-2,129, Revised Statutes Supplement, 2017, is
 9 amended to read:

10 43-2,129 Sections 43-245 to 43-2,129 and section 6 of this act shall
 11 be known and may be cited as the Nebraska Juvenile Code.

12 Sec. 8. Original sections 28-1351 and 28-1354, Reissue Revised
 13 Statutes of Nebraska, and sections 28-101, 28-1201, and 43-2,129, Revised
 14 Statutes Supplement, 2017, are repealed.

LEGISLATIVE BILL 1112. Placed on General File with amendment.
 AM2070

1 1. Insert the following new section:

2 Sec. 4. Section 43-2404.01, Reissue Revised Statutes of Nebraska, is
 3 amended to read:

4 43-2404.01 (1) To be eligible for participation in either the
 5 Commission Grant Program or the Community-based Juvenile Services Aid
 6 Program, a comprehensive juvenile services plan shall be developed,
 7 adopted, and submitted to the commission in accordance with the federal
 8 act and rules and regulations adopted and promulgated by the commission
 9 in consultation with the Director of the Community-based Juvenile
 10 Services Aid Program, the Director of Juvenile Diversion Programs, the
 11 Office of Probation Administration, and the University of Nebraska at
 12 Omaha, Juvenile Justice Institute. Such plan may be developed by eligible
 13 applicants for the Commission Grant Program and by individual counties,
 14 by multiple counties, by federally recognized or state-recognized Indian
 15 tribes, or by any combination of the three for the Community-based
 16 Juvenile Services Aid Program. Comprehensive juvenile services plans
 17 shall:

18 (a) Be developed by a comprehensive community team representing
 19 juvenile justice system stakeholders;

20 (b) Be based on data relevant to juvenile and family issues,
 21 including an examination of disproportionate minority contact as provided
 22 in 34 U.S.C. 11133(a)(2);

23 (c) Identify policies and practices that are research-based or
 24 standardized and reliable and are implemented with fidelity and which
 25 have been researched and demonstrate positive outcomes;

26 (d) Identify clear implementation strategies; and

27 (e) Identify how the impact of the program or service will be
 1 measured.

2 (2) Any portion of the comprehensive juvenile services plan dealing
 3 with administration, procedures, and programs of the juvenile court shall

4 not be submitted to the commission without the concurrence of the
5 presiding judge or judges of the court or courts having jurisdiction in
6 juvenile cases for the geographic area to be served. Programs or services
7 established by such plans shall conform to the family policy tenets
8 prescribed in sections 43-532 and 43-533 and shall include policies and
9 practices that are research-based or standardized and reliable and are
10 implemented with fidelity and which have been researched and demonstrate
11 positive outcomes.

12 (3) The commission, in consultation with the University of Nebraska
13 at Omaha, Juvenile Justice Institute, shall contract for the development
14 and administration of a statewide system to monitor and evaluate the
15 effectiveness of plans and programs receiving funds from (a) the
16 Commission Grant Program and (b) the Community-based Juvenile Services
17 Aid Program in preventing persons from entering the juvenile justice
18 system and in rehabilitating juvenile offenders, including an examination
19 of disproportionate minority contact as provided in 34 U.S.C. 11133(a)
20 (22).

21 (4) There is established within the commission the position of
22 Director of the Community-based Juvenile Services Aid Program, appointed
23 by the executive director of the commission. The director shall have
24 extensive experience in developing and providing community-based
25 services.

26 (5) The director shall be supervised by the executive director of
27 the commission. The director shall:

28 (a) Provide technical assistance and guidance for the development of
29 comprehensive juvenile services plans;

30 (b) Coordinate the review of the Community-based Juvenile Services
31 Aid Program application as provided in section 43-2404.02 and make
1 recommendations for the distribution of funds provided under the
2 Community-based Juvenile Services Aid Program, giving priority to those
3 grant applications funding programs and services that will divert
4 juveniles from the juvenile justice system, impact and effectively treat
5 juveniles within the juvenile justice system, and reduce the juvenile
6 detention population or assist juveniles in transitioning from out-of-
7 home placements to in-home treatments. The director shall ensure that no
8 funds appropriated or distributed under the Community-based Juvenile
9 Services Aid Program are used for purposes prohibited under subsection
10 (3) of section 43-2404.02;

11 (c) Develop data collection and evaluation protocols, oversee
12 statewide data collection, and generate an annual report on the
13 effectiveness of juvenile services that receive funds from the Community-
14 based Juvenile Services Aid Program, including an examination of
15 disproportionate minority contact as provided in 34 U.S.C. 11133(a)(22);

16 (d) Develop relationships and collaborate with juvenile justice
17 system stakeholders, provide education and training as necessary, and
18 serve on boards and committees when approved by the commission;

19 (e) Assist juvenile justice system stakeholders in developing
20 policies and practices that are research-based or standardized and
21 reliable and are implemented with fidelity and which have been researched

22 and demonstrate positive outcomes, including an examination of
 23 disproportionate minority contact as provided in 34 U.S.C. 11133(a)(22);
 24 (f) Develop and coordinate a statewide working group as a
 25 subcommittee of the coalition to assist in regular strategic planning
 26 related to supporting, funding, monitoring, and evaluating the
 27 effectiveness of plans and programs receiving funds from the Community-
 28 based Juvenile Services Aid Program; and
 29 (g) Work with the coordinator for the coalition in facilitating the
 30 coalition's obligations under the Community-based Juvenile Services Aid
 31 Program.
 1 2. Renumber the remaining sections and correct the repealer
 2 accordingly.

(Signed) Laura Ebke, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 379. Placed on Select File with amendment.
 ER119

1 1. On page 1, line 1, strike "funds" and insert "government"; in
 2 line 2 strike "81-3714" and insert "13-2704.01"; and in line 4 strike
 3 "transfer funds" and insert "provide for grants from the Civic and
 4 Community Center Financing Fund".

LEGISLATIVE BILL 697. Placed on Select File.

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB944:
 AM2274

(Amendments to Standing Committee amendments, AM1699)

1 1. On page 48, strike lines 5 through 18 and insert:
 2 "No funds appropriated or distributed under the Federal Title X
 3 program shall be used for abortion or abortion counseling.
 4 No funds shall be granted to an organization that performs, assists
 5 with the performance of, or provides directive counseling in favor of
 6 abortion. Organizations may provide neutral, factual information,
 7 nondirective counseling, or referral upon request. An otherwise qualified
 8 organization shall not be disqualified from receipt of Title X funds when
 9 the organization can demonstrate objective independence. Objective
 10 independence includes legal, physical, and financial separation between
 11 the provision of abortion services and the services provided with Title X
 12 funds.
 13 It is the intent of the Legislature that Title X funds shall be
 14 distributed statewide and that the Department of Health and Human
 15 Services shall ensure that a network is maintained that is sufficient in
 16 numbers and types of providers to assure that Title X services will be
 17 accessible without unreasonable delay."

GENERAL FILE

LEGISLATIVE BILL 1090. Senator Chambers offered the following motion:

MO251

Reconsider the vote taken on AM2255.

The Chambers motion to reconsider failed with 5 ayes, 21 nays, 18 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following motion:

MO250

Indefinitely postpone.

Pending.

AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB44:

AM2261

(Amendments to Final Reading copy)

- 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.
 13 2. On page 1, strike lines 3 through 10 and insert "redefine the
 14 term engaged in business in this state for purposes of sales and use
 15 taxes; to change the persons who have certain duties and responsibilities
 16 relating to sales and use taxes; to provide operative dates for statutory
 17 changes as prescribed; and to repeal the original sections."

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Quick name added to LB1132.

VISITORS

Visitors to the Chamber were 30 members of the Young Professionals Group from Lincoln; University of Nebraska Women's Volleyball coach, John Cook, and Michelle Waite from the University of Nebraska; 56 fourth-grade students from Walnut Creek Elementary, Papillion; 20 members of the Nemaha County Leadership and Nebraska City Leadership Groups; 15 University of Nebraska ALEC students and teacher from Lincoln; 40 high school band students from Concordia Christian in Omaha; and 31 fourth-grade students from Holy Name School, Omaha.

RECESS

At 11:56 a.m., on a motion by Senator Hansen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Kuehn and Vargas who were excused; and Senators Groene, Kolowski, Larson, McCollister, Morfeld, Pansing Brooks, Stinner, and Wayne who were excused until they arrive.

COMMITTEE REPORT(S)

Executive Board

LEGISLATIVE RESOLUTION 296. Reported to the Legislature for further consideration with the following amendment:

AM2179

1 1. Strike the original provisions and insert the following new
2 provisions:
3 WHEREAS, an individual residing at Life Quest at the Coolidge
4 Center, a state-licensed care facility in Palmer, died on September 3,
5 2017, after three days of life-threatening symptoms; and
6 WHEREAS, the Department of Health and Human Services produced an
7 eighty-one page report of violations found during inspections in June and
8 July of 2017 and another six-page report after a visit in September of
9 2017. These reports were not released until officials revoked the
10 facility's mental health care license on October 5, 2017, a month after
11 the incident occurred. The revocation took effect fifteen days later; and
12 WHEREAS, the report indicates that the Department of Health and
13 Human Services knew of multiple violations in the months preceding the
14 closure of this facility. If more immediate action had been taken to
15 remedy these violations or draw attention to the inequities in quality of
16 care standards, a life could have been saved; and
17 WHEREAS, the circumstances surrounding this event have garnered
18 media attention throughout Nebraska, along with scrutiny from the public.
19 This care facility, as well as multiple others in the past few years,
20 including Hotel Pawnee in North Platte and Park View Villa in Gothenburg,
21 have been shut down due to violations regarding maintenance, cleanliness,
22 and personnel issues; and
23 WHEREAS, the individuals affected by these policies are some of the
24 most vulnerable in our community. The citizens of Nebraska have a right
25 to know the standard of care to which our governmental organizations are
26 held, including, but not limited to, policies, procedures, and
27 regulations regarding oversight of assisted living facilities and mental

1 health centers; and
2 WHEREAS, under Title II of the Americans with Disabilities Act (ADA)
3 it is illegal for public entities, namely state and local governments, to
4 deny the benefits of programs, services, or activities to qualified
5 individuals with disabilities; and
6 WHEREAS, the regulations which implement Title II mandate that state
7 governments administer services "in the most integrated settings
8 appropriate to the needs of qualified individuals with disabilities"; and
9 WHEREAS, the integration mandate in the ADA is implicated when a
10 public entity administers its programs in a manner that results in
11 unjustified segregation of persons with disabilities; and
12 WHEREAS, a public entity may violate the integration mandate in the
13 ADA when it: (1) Directly or indirectly operates facilities or programs
14 that segregate individuals with disabilities; (2) finances the
15 segregation of individuals with disabilities in private facilities; or
16 (3) through planning, service system design, funding choices, or service
17 implementation practices, promotes or relies upon the segregation of
18 individuals with disabilities in private facilities or programs.
19 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED
20 FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
21 1. That the Legislature hereby calls for the Executive Board of the
22 Legislative Council to meet forthwith and appoint a special committee of
23 the Legislature to be known as the State-Licensed Care Facilities
24 Oversight Committee of the Legislature. The committee shall consist of
25 seven members of the Legislature appointed by the Executive Board. The
26 committee shall elect a chairperson and vice-chairperson from the
27 membership of the committee. The Executive Board is hereby authorized to
28 provide the committee with a legal counsel, committee clerk, and other
29 staff as required by the committee from existing legislative staff.
30 2. The State-Licensed Care Facilities Oversight Committee shall
31 limit the scope of its inquiry to assisted living facilities where many
1 of the residents are diagnosed with a mental illness. The oversight
2 committee shall also examine the recent closures of the mental health
3 centers known as Life Quest, located in Palmer and Blue Hill.
4 3. The State-Licensed Care Facilities Oversight Committee of the
5 Legislature is hereby authorized to study the lack of adequate conditions
6 of state-licensed care facilities, the treatment of individuals residing
7 in such facilities, the effectiveness of regulation and licensure by the
8 Division of Public Health in providing oversight, and how the Department
9 of Health and Human Services implements and administers its behavioral
10 health services through the behavioral health regions to address the
11 needs of this vulnerable population. The committee shall also investigate
12 what steps the department has taken to advance the recommendations
13 proposed by the Technical Assistance Collaborative as a consultant to the
14 department, namely, the reasons that assisted living facilities are the
15 primary residential options for individuals with severe and persistent
16 mental illness and alternatives such as permanent supportive housing and
17 services do not exist. The committee shall also investigate whether the
18 department is taking adequate steps to ensure behavioral health services

19 are administered in the most integrated setting pursuant to the ADA. The
 20 committee shall utilize existing studies, reports, and legislation
 21 developed to address the current conditions. The committee shall not be
 22 limited to such studies, reports, or legislation.
 23 4. The State-Licensed Care Facilities Oversight Committee of the
 24 Legislature shall issue a report with its findings and recommendations to
 25 the Legislature on or before December 15, 2018.

(Signed) Dan Watermeier, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 340. Introduced by Watermeier, 1.

WHEREAS, the Falls City Sacred Heart Irish girls' basketball team is the back-to-back champion of the Class D-2 Girls' State Basketball Championship; and

WHEREAS, this year's 57-51 championship victory took place on March 3, 2018, at Pinnacle Bank Arena in Lincoln; and

WHEREAS, this is the sixth state title for the girls' basketball team in school history; and

WHEREAS, Head Coach Luke Santo led the team to an outstanding 27-1 season; and

WHEREAS, throughout the season, the Falls City Sacred Heart Irish team has demonstrated that hard work, dedication, and discipline produce remarkable results; and

WHEREAS, the Falls City Sacred Heart Irish team members are positive role models for young athletes in their community and throughout the region; and

WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, and the community.

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

1. That the Legislature recognizes and congratulates the Falls City Sacred Heart Irish girls' basketball team and its coaches.
2. That a copy of this resolution be sent to Head Coach Luke Santo.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1090. Senator Chambers withdrew his motion, MO250, found in this day's Journal, to indefinitely postpone.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 1 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 808. Title read. Considered.

Committee AM1907, found on page 757, was offered.

SPEAKER SCHEER PRESIDING

The committee amendment lost with 0 ayes, 19 nays, 24 present and not voting, and 6 excused and not voting.

Senator Friesen offered the following amendment:

AM2312

- 1 1. Strike original section 6 and insert the following new section:
- 2 Sec. 6. The State Treasurer shall transfer fifty thousand dollars
- 3 from the Nebraska Environmental Trust Fund to the Community Food
- 4 Production Water Fund for each of fiscal years 2018-19 and 2019-20.
- 5 2. On page 5, line 14, after "purpose" insert ", except that the
- 6 department may expend not more than five thousand dollars each fiscal
- 7 year for costs incurred by the department in the administration of the
- 8 fund".

Pending.

LEGISLATIVE BILL 993. Title read. Considered.

Committee AM1908, found on page 748, was offered.

Pending.

COMMITTEE REPORT(S)

Natural Resources

LEGISLATIVE BILL 1008. Placed on General File with amendment.

AM2292

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 37-613, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 37-613 (1) Any person who sells, purchases, takes, or possesses
- 6 contrary to the Game Law any wildlife shall be liable to the State of
- 7 Nebraska for the damages caused thereby. Such damages shall be:
- 8 (a) Twenty-five ~~Fifteen~~ thousand dollars for each mountain sheep;
- 9 (b) Ten ~~Five~~ thousand dollars for each elk with a minimum of twelve
- 10 total points and three ~~one~~ thousand ~~five hundred~~ dollars for any other
- 11 elk;
- 12 (c) Ten ~~Five~~ thousand dollars for each whitetail deer with a minimum
- 13 of eight total points and an inside spread between beams of at least
- 14 sixteen ~~eighteen~~ inches, two ~~one~~ thousand dollars for any other antlered
- 15 whitetail deer, and five hundred ~~two hundred fifty~~ dollars for each
- 16 antlerless whitetail deer and whitetail doe deer;

17 (d) ~~Ten~~ Five thousand dollars for each mule deer with a minimum of
18 eight total points and an inside spread between beams of at least ~~twenty-~~
19 ~~two twenty-four~~ inches and ~~two one~~ thousand dollars for any other mule
20 deer;

21 (e) Five thousand dollars for each antelope with the shortest horn
22 measuring a minimum of fourteen inches in length and one thousand dollars
23 for any other antelope;

24 (f) One thousand five hundred dollars for each bear or moose or each
25 individual animal of any threatened or endangered species of wildlife not
26 otherwise listed in this subsection;

27 (g) Five ~~thousand hundred~~ dollars for each mountain lion, lynx,
1 bobcat, river otter, or raw pelt thereof;

2 (h) Twenty-five dollars for each raccoon, opossum, skunk, or raw
3 pelt thereof;

4 (i) Five thousand dollars for each eagle;

5 (j) ~~Five One~~ hundred dollars for each wild turkey;

6 (k) Twenty-five dollars for each dove;

7 (l) Seventy-five dollars for each other game bird, other game
8 animal, other fur-bearing animal, raw pelt thereof, or nongame wildlife
9 in need of conservation as designated by the commission pursuant to
10 section 37-805, not otherwise listed in this subsection;

11 (m) Fifty dollars for each wild bird not otherwise listed in this
12 subsection;

13 (n) Seven hundred fifty dollars for each swan or paddlefish;

14 (o) Two hundred dollars for each master angler fish measuring more
15 than twelve inches in length;

16 (p) Fifty dollars for each game fish measuring more than twelve
17 inches in length not otherwise listed in this subsection;

18 (q) Twenty-five dollars for each other game fish; and

19 (r) Fifty dollars for any other species of game not otherwise listed
20 in this subsection.

21 (2) The commission shall adopt and promulgate rules and regulations
22 to provide for a list of master angler fish which are subject to this
23 section and to prescribe guidelines for measurements and point
24 determinations as required by this section. The commission may adopt a
25 scoring system which is uniformly recognized for this purpose.

26 (3) Such damages may be collected by the commission by civil action.
27 In every case of conviction for any of such offenses, the court or
28 magistrate before whom such conviction is obtained shall further enter
29 judgment in favor of the State of Nebraska and against the defendant for
30 liquidated damages in the amount set forth in this section and collect
31 such damages by execution or otherwise. Failure to obtain conviction on a
1 criminal charge shall not bar a separate civil action for such liquidated
2 damages. Damages collected pursuant to this section shall be remitted to
3 the secretary of the commission who shall remit them to the State
4 Treasurer for credit to the State Game Fund.

5 Sec. 2. Section 57-904, Reissue Revised Statutes of Nebraska, is
6 amended to read:
7 57-904 There is hereby established the Nebraska Oil and Gas

8 Conservation Commission. The commission shall consist of three members to
 9 be appointed by the Governor. The director of the state geological survey
 10 shall serve the commission in the capacity as its technical advisor, but
 11 with no power to vote. Any two commissioners shall constitute a quorum
 12 for all purposes. At least one member of the commission shall have had
 13 experience in the production of oil or gas and shall have resided in the
 14 State of Nebraska for at least one year. Each of the other members of the
 15 commission shall have resided in the State of Nebraska for at least three
 16 years. Initially, two of said members shall be appointed for a term of
 17 two years each; and one shall be appointed for a term of four years. At
 18 the expiration of the initial terms all members thereafter appointed
 19 shall serve for a term of four years. The Governor may at any time remove
 20 any appointed member of the commission for cause, and by appointment,
 21 with the approval of the Legislature, shall fill any vacancy on the
 22 commission.

23 The members of the commission shall receive as compensation for
 24 their services not more than four hundred the sum of fifty dollars per
 25 day for each day actually devoted to the business of the commission,
 26 ~~except ; Provided,~~ that they shall not receive a sum in any one year in
 27 excess of four two thousand dollars each. In addition, each member of the
 28 commission shall be reimbursed for his or her actual and necessary
 29 traveling and other expenses incurred in connection with the carrying out
 30 of his or her duties as provided in sections 81-1174 to 81-1177 ~~for state~~
 31 ~~employees.~~

1 Sec. 3. (1) Notwithstanding any other provision of law, the public
 2 power industry as defined in section 70-601 and the Nebraska Power Review
 3 Board may withhold competitive or proprietary information which would
 4 give an advantage to business competitors. Competitive information is
 5 information which a reasonable person, knowledgeable of the electric
 6 utility industry, could conclude gives an advantage to business
 7 competitors.

8 (2) Any request for records described in this section shall be
 9 subject to the procedures for public record requests provided in sections
 10 84-712 to 84-712.09.

11 Sec. 4. Section 70-1015, Revised Statutes Cumulative Supplement,
 12 2016, is amended to read:

13 70-1015 (1) If any supplier violates Chapter 70, article 10, by
 14 either (a) ~~(1)~~ commencing the construction or finalizing or attempting to
 15 finalize the acquisition of any generation facilities, any transmission
 16 lines, or any related facilities without first providing notice or
 17 obtaining board approval, whichever is required, or (b) ~~(2)~~ serving or
 18 attempting to serve at retail any customers located in Nebraska or any
 19 wholesale customers in violation of section 70-1002.02, such
 20 construction, acquisition, or service of such customers shall be enjoined
 21 in an action brought in the name of the State of Nebraska until such
 22 supplier has complied with Chapter 70, article 10.

23 (2) If the executive director of the board determines that a private
 24 electric supplier commenced construction of a privately developed
 25 renewable energy generation facility less than thirty days prior to

26 providing the notice required in subdivision (1)(a) of section
27 70-1014.02, the executive director shall send notice via certified mail
28 to the private electric supplier, informing it of the determination that
29 the private electric supplier is in violation of such subdivision and is
30 subject to a fine in the amount of five hundred dollars. The private
31 electric supplier shall have twenty days from the date on which the
1 notice is received in which to submit the notice described in such
2 subdivision and to pay the fine. Within ten days after the private
3 electric supplier submits a notice compliant with the provisions of
4 subsection (1) of section 70-1014.02 and payment of the fine, the
5 executive director of the board shall issue the written acknowledgment
6 described in subsection (2) of section 70-1014.02. If the private
7 electric supplier fails to submit a notice compliant with the provisions
8 of subsection (1) of section 70-1014.02 and pay the fine within twenty
9 days after the date on which the private electric supplier receives the
10 notice from the executive director of the board, the private electric
11 supplier shall immediately cease construction or operation of the
12 privately developed renewable energy generation facility.
13 (3) If the private electric supplier disputes that construction was
14 commenced less than thirty days prior to submitting the written notice
15 required by subdivision (1)(a) of section 70-1014.02, the private
16 electric supplier may request a hearing before the board. Such request
17 shall be submitted within twenty days after the private electric supplier
18 receives the notice sent by the executive director pursuant to subsection
19 (2) of this section. If the private electric supplier does not accept the
20 certified mail sent pursuant to such subsection, the executive director
21 shall send a second notice to the private electric supplier by first-
22 class United States mail. The private electric supplier may submit a
23 request for hearing within twenty days after the date on which the second
24 notice was mailed.
25 (4) Upon receipt of a request for hearing, the board shall set a
26 hearing date. Such hearing shall be held within sixty days after such
27 receipt. The board shall provide to the private electric supplier written
28 notice of the hearing at least twenty days prior to the date of the
29 hearing. The board or its hearing officer may grant continuances upon
30 good cause shown or upon the request of the private electric supplier.
31 Timely filing of a request for hearing by a private electric supplier
1 shall stay any further enforcement under this section until the board
2 issues an order pursuant to subsection (5) of this section or the request
3 for hearing is withdrawn.
4 (5) The board shall issue a written decision within sixty days after
5 conclusion of the hearing. All costs of the hearing shall be paid by the
6 private electric supplier if (a) the board determines that the private
7 electric supplier commenced construction of the privately developed
8 renewable energy generation facility less than thirty days prior to
9 submitting the written notice required pursuant to subsection (1) of
10 section 70-1014.02 or (b) the private electric supplier withdraws its
11 request for hearing prior to the board issuing its decision.
12 (6) A private electric supplier which the board finds to be in

13 violation of the requirements of subsection (1) of section 70-1014.02
14 shall either (a) pay the fine described in this section and submit a
15 notice compliant with the provisions of subsection (1) of section
16 70-1014.02 or (b) immediately cease construction or operation of the
17 privately developed renewable energy generation facility.

18 Sec. 5. Section 81-15,160, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:

20 81-15,160 (1) The Waste Reduction and Recycling Incentive Fund is
21 created. The department shall deduct from the fund amounts sufficient to
22 reimburse itself for its costs of administration of the fund. The fund
23 shall be administered by the Department of Environmental Quality. The
24 fund shall consist of proceeds from the fees imposed pursuant to the
25 Waste Reduction and Recycling Incentive Act.

26 (2) The fund may be used for purposes which include, but are not
27 limited to:

28 (a) Technical and financial assistance to political subdivisions for
29 creation of recycling systems and for modification of present recycling
30 systems;

31 (b) Recycling and waste reduction projects, including public
1 education, planning, and technical assistance;

2 (c) Market development for recyclable materials separated by
3 generators, including public education, planning, and technical
4 assistance;

5 (d) Capital assistance for establishing private and public
6 intermediate processing facilities for recyclable materials and
7 facilities using recyclable materials in new products;

8 (e) Programs which develop and implement composting of yard waste
9 and composting with sewage sludge;

10 (f) Technical assistance for waste reduction and waste exchange for
11 waste generators;

12 (g) Programs to assist communities and counties to develop and
13 implement household hazardous waste management programs;

14 (h) Capital assistance for establishing private and public
15 facilities to manufacture combustible waste products and to incinerate
16 combustible waste to generate and recover energy resources, except that
17 no disbursements shall be made under this section for scrap tire
18 processing related to tire-derived fuel; and

19 (i) Grants for reimbursement of costs to cities of the second class,
20 villages, and counties of five thousand or fewer population for the
21 deconstruction of abandoned buildings. Eligible deconstruction costs will
22 be related to the recovery and processing of recyclable or reusable
23 material from the abandoned buildings.

24 (3) Grants up to one million five hundred thousand dollars annually
25 shall be available until June 30, ~~2019~~ 2024, for new scrap tire projects
26 only, if acceptable scrap tire project applications are received.

27 Eligible categories of disbursement under section 81-15,161 may include,
28 but are not limited to:

29 (a) Reimbursement for the purchase of crumb rubber generated and
30 used in Nebraska, with disbursements not to exceed fifty percent of the

31 cost of the crumb rubber;
1 (b) Reimbursement for the purchase of tire-derived product which
2 utilizes a minimum of twenty-five percent recycled tire content, with
3 disbursements not to exceed twenty-five percent of the product's retail
4 cost;
5 (c) Participation in the capital costs of building, equipment, and
6 other capital improvement needs or startup costs for scrap tire
7 processing or manufacturing of tire-derived product, with disbursements
8 not to exceed fifty percent of such costs or five hundred thousand
9 dollars, whichever is less;
10 (d) Participation in the capital costs of building, equipment, or
11 other startup costs needed to establish collection sites or to collect
12 and transport scrap tires, with disbursements not to exceed fifty percent
13 of such costs;
14 (e) Cost-sharing for the manufacturing of tire-derived product, with
15 disbursements not to exceed twenty dollars per ton or two hundred fifty
16 thousand dollars, whichever is less, to any person annually;
17 (f) Cost-sharing for the processing of scrap tires, with
18 disbursements not to exceed twenty dollars per ton or two hundred fifty
19 thousand dollars, whichever is less, to any person annually;
20 (g) Cost-sharing for the use of scrap tires for civil engineering
21 applications for specified projects, with disbursements not to exceed
22 twenty dollars per ton or two hundred fifty thousand dollars, whichever
23 is less, to any person annually;
24 (h) Disbursement to a political subdivision up to one hundred
25 percent of costs incurred in cleaning up scrap tire collection and
26 disposal sites; and
27 (i) Costs related to the study provided in section 81-15,159.01.
28 The director shall give preference to projects which utilize scrap
29 tires generated and used in Nebraska.
30 (4) Priority for grants made under section 81-15,161 shall be given
31 to grant proposals demonstrating a formal public/private partnership
1 except for grants awarded from fees collected under subsection (6) of
2 section 13-2042.
3 (5) Grants awarded from fees collected under subsection (6) of
4 section 13-2042 may be renewed for up to a five-year grant period. Such
5 applications shall include an updated integrated solid waste management
6 plan pursuant to section 13-2032. Annual disbursements are subject to
7 available funds and the grantee meeting established grant conditions.
8 Priority for such grants shall be given to grant proposals showing
9 regional participation and programs which address the first integrated
10 solid waste management hierarchy as stated in section 13-2018 which shall
11 include toxicity reduction. Disbursements for any one year shall not
12 exceed fifty percent of the total fees collected after rebates under
13 subsection (6) of section 13-2042 during that year.
14 (6) Any person who stores waste tires in violation of section
15 13-2033, which storage is the subject of abatement or cleanup, shall be
16 liable to the State of Nebraska for the reimbursement of expenses of such
17 abatement or cleanup paid by the Department of Environmental Quality.

18 (7) The Department of Environmental Quality may receive gifts,
 19 bequests, and any other contributions for deposit in the Waste Reduction
 20 and Recycling Incentive Fund. Transfers may be made from the fund to the
 21 General Fund at the direction of the Legislature. Any money in the Waste
 22 Reduction and Recycling Incentive Fund available for investment shall be
 23 invested by the state investment officer pursuant to the Nebraska Capital
 24 Expansion Act and the Nebraska State Funds Investment Act.

25 Sec. 6. The Revisor of Statutes shall assign section 3 of this act
 26 to Chapter 70, article 6.

27 Sec. 7. Sections 1, 2, 5, and 9 of this act become operative three
 28 calendar months after the adjournment of this legislative session. The
 29 other sections of this act become operative on their effective date.

30 Sec. 8. Original section 70-1015, Revised Statutes Cumulative
 31 Supplement, 2016, is repealed.

1 Sec. 9. Original sections 37-613 and 57-904, Reissue Revised
 2 Statutes of Nebraska, and section 81-15,160, Revised Statutes Cumulative
 3 Supplement, 2016, are repealed.

4 Sec. 10. Since an emergency exists, this act takes effect when
 5 passed and approved according to law.

(Signed) Dan Hughes, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1081A. Introduced by Groene, 42.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2017, LB327, section 49; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1081, One Hundred Fifth Legislature, Second Session, 2018; and to repeal the original section.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 341. Introduced by Blood, 3; Albrecht, 17; Baker, 30; Bolz, 29; Bostelman, 23; Brewer, 43; Brieese, 41; Chambers, 11; Clements, 2; Crawford, 45; Ebke, 32; Erdman, 47; Friesen, 34; Geist, 25; Groene, 42; Halloran, 33; Hansen, 26; Harr, 8; Hilgers, 21; Hilkemann, 4; Howard, 9; Hughes, 44; Kolowski, 31; Kolterman, 24; Krist, 10; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Scheer, 19; Schumacher, 22; Smith, 14; Stinner, 48; Thibodeau, 6; Walz, 15; Watermeier, 1; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, March is Women's History Month and is a time to celebrate the significant contributions women of all races, ethnicities, and backgrounds have made to the world; and

WHEREAS, women play a critical role in the vitality and diversity of our communities and are essential to ensuring Nebraska is well-represented; and

WHEREAS, while the twentieth century was a pivotal time of growth for women entering politics, women remain underrepresented in male-dominated fields. Thus, providing opportunities to support women in public office is imperative; and

WHEREAS, recognizing women in public office will bring awareness to the fundamental necessity of their work and will inspire other young people to serve their communities.

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

1. That the Legislature recognizes March 19, 2018, as Celebrating Women in Public Office Day and calls upon the people of this state to unite in supporting the success of women in public office.

Laid over.

LEGISLATIVE RESOLUTION 342. Introduced by Erdman, 47.

WHEREAS, Lieutenant Governor Mike Foley proclaimed the week of March 25-31, 2018, to be Nebraska Severe Weather Awareness Week; and

WHEREAS, the Nebraska Association of Emergency Management, the National Weather Service, the Nebraska Military Department, and the Nebraska Emergency Management Agency sponsored a 2018 Severe Weather Awareness poster contest; and

WHEREAS, more than 900 entries were submitted by fourth graders across the state; and

WHEREAS, Clayton Butler, age 10, of Hemmingford Elementary School in Box Butte County was recognized at the State Capitol on Monday, March 5, 2018, for winning first place in the 2018 Nebraska Severe Weather Awareness poster contest; and

WHEREAS, Clayton's poster features a super hero named Blue Lightning, who offers lessons on lightning safety, and a comic strip about Opposite Cooper, a guy who ignores these lessons and keeps getting struck by lightning.

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

1. That the Legislature congratulates Clayton Butler for winning the 2018 Nebraska Severe Weather Awareness poster contest.

2. That the Legislature endorses Blue Lightning's slogan: "Safety is super, so don't be like Cooper!"

3. That copies of this resolution be sent to Clayton Butler and Hemmingford Elementary School.

Laid over.

VISITORS

Visitor to the Chamber was Ben Ashman from Lincoln.

The Doctor of the Day was Dr. Richard Gustafson from Lincoln.

ADJOURNMENT

At 4:55 p.m., on a motion by Senator Quick, the Legislature adjourned until 9:00 a.m., Friday, March 9, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FORTIETH DAY - MARCH 9, 2018
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 9, 2018

PRAYER

The prayer was offered by Pastor Eddie Goff, New Hope Baptist Church, Hastings.

ROLL CALL

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

The roll was called and all members were present except Senator Vargas who was excused; and Senators Hansen, Kolowski, Krist, Morfeld, Pansing Brooks, Scheer, Watermeier, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

COMMITTEE REPORT(S)
Appropriations

LEGISLATIVE BILL 946. Placed on General File with amendment.
AM1701

1 1. Strike the original sections and insert the following:
2 Section 1. Section 84-612, Revised Statutes Supplement, 2017, is
3 amended to read:
4 84-612 (1) There is hereby created within the state treasury a fund
5 known as the Cash Reserve Fund which shall be under the direction of the
6 State Treasurer. The fund shall only be used pursuant to this section.
7 (2) The State Treasurer shall transfer funds from the Cash Reserve
8 Fund to the General Fund upon certification by the Director of
9 Administrative Services that the current cash balance in the General Fund
10 is inadequate to meet current obligations. Such certification shall
11 include the dollar amount to be transferred. Any transfers made pursuant
12 to this subsection shall be reversed upon notification by the Director of
13 Administrative Services that sufficient funds are available.

14 (3) In addition to receiving transfers from other funds, the Cash
15 Reserve Fund shall receive federal funds received by the State of
16 Nebraska for undesignated general government purposes, federal revenue
17 sharing, or general fiscal relief of the state.

18 (4) The State Treasurer, at the direction of the budget
19 administrator of the budget division of the Department of Administrative
20 Services, shall transfer not to exceed ~~forty million seven hundred forty-~~
21 ~~three million~~ fifteen thousand four hundred fifty-nine dollars in total
22 from the Cash Reserve Fund to the Nebraska Capital Construction Fund
23 between July 1, 2013, and June 30, 2018.

24 (5) The State Treasurer shall transfer the following amounts from
25 the Cash Reserve Fund to the Nebraska Capital Construction Fund on such
26 dates as directed by the budget administrator of the budget division of
27 the Department of Administrative Services:

1 (a) Seven million eight hundred four thousand two hundred ninety-two
2 dollars on or after June 15, 2016, but before June 30, 2016;

3 (b) Five million fifty-eight thousand four hundred five dollars on
4 or after July 1, 2018, but before June 30, 2019, on such dates and in
5 such amounts as directed by the budget administrator of the budget
6 division of the Department of Administrative Services; and
7 (c) Fifteen million three hundred seventy-eight thousand three
8 hundred nine dollars on or after January 1, 2019, but before June 30,
9 2019, on such dates and in such amounts as directed by the budget
10 administrator of the budget division of the Department of Administrative
11 Services.

12 ~~(b) Ten million five thousand one hundred twenty-nine dollars on or~~
13 ~~after June 15, 2019, but before June 30, 2019; and~~

14 ~~(c) Ten million four hundred thirty-one thousand five hundred~~
15 ~~eighty-five dollars on or after June 15, 2021, but before June 30, 2021.~~

16 (6) The State Treasurer shall transfer seventy-five million two
17 hundred fifteen thousand three hundred thirteen dollars from the Cash
18 Reserve Fund to the Nebraska Capital Construction Fund on or before July
19 31, 2017, on such date as directed by the budget administrator of the
20 budget division of the Department of Administrative Services.

21 (7) The State Treasurer shall transfer thirty-one million dollars
22 from the Cash Reserve Fund to the General Fund after July 1, 2017, but
23 before July 15, 2017, on such date as directed by the budget
24 administrator of the budget division of the Department of Administrative
25 Services.

26 (8) The State Treasurer shall transfer thirty-one million dollars
27 from the Cash Reserve Fund to the General Fund after October 1, 2017, but
28 before October 15, 2017, on such date as directed by the budget
29 administrator of the budget division of the Department of Administrative
30 Services.

31 (9) The State Treasurer shall transfer thirty-one million dollars
1 from the Cash Reserve Fund to the General Fund after January 1, 2018, but
2 before January 15, 2018, on such date as directed by the budget
3 administrator of the budget division of the Department of Administrative
4 Services.

5 (10) The State Treasurer shall transfer thirty-two million dollars
 6 from the Cash Reserve Fund to the General Fund after April 1, 2018, but
 7 before April 15, 2018, on such date as directed by the budget
 8 administrator of the budget division of the Department of Administrative
 9 Services.

10 (11) The State Treasurer shall transfer one hundred million dollars
 11 from the Cash Reserve Fund to the General Fund on or before June 30,
 12 2018, on such dates and in such amounts as directed by the budget
 13 administrator of the budget division of the Department of Administrative
 14 Services.

15 ~~(12)~~ ~~(44)~~ The State Treasurer shall transfer forty-eight million
 16 dollars from the Cash Reserve Fund to the General Fund after March 1,
 17 2019, but before March 15, 2019, on such date as directed by the budget
 18 administrator of the budget division of the Department of Administrative
 19 Services.

20 Sec. 2. Original section 84-612, Revised Statutes Supplement, 2017,
 21 is repealed.

22 Sec. 3. Since an emergency exists, this act takes effect when
 23 passed and approved according to law.

LEGISLATIVE BILL 945. Placed on General File with amendment.
 AM1700 is available in the Bill Room.

LEGISLATIVE BILL 944. Placed on General File with amendment.
 AM1699 is available in the Bill Room.

(Signed) John Stinner, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 724. Placed on Select File with amendment.
 ER120

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:

3 Section 1. Section 9-650, Reissue Revised Statutes of Nebraska, is
 4 amended to read:

5 9-650 (1) The gross proceeds of any lottery, less the amount
 6 awarded in prizes and any salary, fee, or commission paid to a licensed
 7 lottery operator plus any interest on such funds, shall be segregated
 8 from any other revenue and placed in a separate account of the lottery
 9 operator and the county, city, or village. If a lottery operator is
 10 conducting a lottery on behalf of a county, city, or village, such
 11 proceeds, including any interest, shall be transferred from the lottery
 12 operator's separate account to a separate account of the county, city, or
 13 village. Any interest received by a county, city, or village from the
 14 proceeds of the lottery shall be used solely for community betterment
 15 purposes.

16 (2) During the hours that keno is conducted at a sales outlet

17 location, cash constituting the starting bank of the lottery operator
 18 conducting the keno game and cash receipts from the sale of keno tickets
 19 shall be segregated from all other revenue of the sales outlet location.
 20 Subject to the adoption and promulgation of rules and regulations by the
 21 department setting forth recordkeeping and reporting criteria for lottery
 22 operators, counties, cities, and villages that request authorization from
 23 the department for the use of electronic transfers from satellite
 24 locations, cash receipts from the sale of keno tickets shall remain
 25 segregated from all other revenue of the sales outlet location until
 26 deposited in the bank account of the sales outlet location, lottery
 27 operator, county, city, or village. Such bank account shall be designated
 1 by the lottery operator, county, city, or village.
 2 (3) The Tax Commissioner may authorize the electronic transfer of
 3 funds from the nonsegregated general business account of a sales outlet
 4 location to the bank account of a lottery operator, county, city, or
 5 village as long as such funds are transferred no later than five business
 6 days following the day the funds were collected. To facilitate the
 7 electronic transfer of such funds to a lottery operator, county, city, or
 8 village that has met the requirements of the rules and regulations
 9 adopted and promulgated pursuant to subsection (2) of this section, a
 10 sales outlet location may first deposit such funds into a non-segregated
 11 general business account of the sales outlet location.
 12 (4) The gross proceeds of any lottery, less the amount awarded in
 13 prizes, which are collected by a sales outlet location shall be deposited
 14 into the account of the sales outlet location, lottery operator, county,
 15 city, or village no later than five business days following the day such
 16 gross proceeds were collected.
 17 (5) Separate records shall be maintained by such licensed county,
 18 city, or village. Records required by the Nebraska County and City
 19 Lottery Act shall be preserved for at least three years unless otherwise
 20 provided by rules and regulations adopted and promulgated by the
 21 department. Any law enforcement agency or other agency of government
 22 shall have the authority to investigate the records relating to lotteries
 23 and gross proceeds from such lottery at any time. Any county, city, or
 24 village shall, upon proper written request, deliver all such records to
 25 the department or other law enforcement agency for investigation.
 26 Sec. 2. Original section 9-650, Reissue Revised Statutes of
 27 Nebraska, is repealed.
 28 2. On page 1, line 5, after the semicolon insert "to provide powers
 29 and duties for the Department of Revenue and the Tax Commissioner;".

LEGISLATIVE BILL 714. Placed on Select File with amendment.
ER122

1 1. In the Standing Committee amendments, AM1754, on page 4, line 10,
2 after the first "or" insert "a".

LEGISLATIVE BILL 702. Placed on Select File with amendment.
ER123

1 1. On page 1, strike lines 2 through 5 and insert "43-512.12,

2 43-512.15, and 44-3,144, Reissue Revised Statutes of Nebraska; to change
 3 provisions relating to children's health care coverage; to change
 4 provisions relating to Title IV-D child support order modification
 5 procedures; to change child support procedures as related to incarcerated
 6 individuals; to redefine terms; to harmonize".

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB1054:
 AM2043

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

3 Section 1. (1) For purposes of this section:

4 (a) Wind energy generation project means any plant, works, system,
 5 facility, and real and personal property of any nature whatsoever,
 6 together with all parts thereof and appurtenances thereto, used or useful
 7 in the generation of electric power and energy using wind turbines,
 8 including the production, transmission, conservation, transformation,
 9 distribution, purchase, sale, exchange, or interchange of such electric
 10 power and energy, or any interest therein or right to capacity thereof,
 11 any energy conservation system or device for reducing the energy demands
 12 or any interest therein, and the acquisition of energy sources or fuel of
 13 any kind, for any such purposes; and

14 (b) Wind turbine means a power generating device driven by the
 15 kinetic energy of the wind consisting of propeller-type rotors fixed
 16 around a central hub and facing the wind with a maximum output of over
 17 sixteen hundred watts.

18 (2) No wind energy generation project shall be constructed in a
 19 county after August 1, 2018, until the county has zoning regulations or a
 20 zoning resolution as described in section 23-114 which addresses:

21 (a) Protection of property value for nonparticipating property
 22 owners adjacent to or impacted by the wind energy generation project;

23 (b) Fixed-distance setbacks measured from buildings used for
 24 residential purposes and setbacks measured from property lines. The
 25 setbacks shall not be variable distances based on the height of a
 26 turbine. The determination of setbacks based on surface danger area due
 27 to issues such as collapse and ice-throw shall ensure that the surface
 1 danger area does not overlap a nonparticipating property owner's
 2 property;

3 (c) Noise standards restricting the low-level noise generated by the
 4 operation of a wind turbine so that it does not exceed a specified A-
 5 weighted, equivalent sound level or specified A-weighted decibels at the
 6 property line of the wind energy generation project. The measure of noise
 7 shall meet the following requirements:

8 (i) Any instrument used to measure noise shall meet sound level
 9 meter performance specifications of the American National Standards
 10 Institute or the International Electrotechnical Commission for wind class

11 I;
12 (ii) The procedures used to measure noise shall meet the
13 requirements of the American National Standards Institute, the
14 International Electrotechnical Commission, or the International
15 Organization for Standardization for the measurement of sound or its
16 characteristics; and
17 (iii) The procedures shall not include procedures based on the
18 International Electrotechnical Commission Standard IEC 61400-11 (2002)
19 regarding noise measurement techniques;
20 (d) Evaluation of adverse environmental impacts and mitigation plans
21 for the protection of the environment, including domesticated animals,
22 wildlife, wildlife habitat, water, vegetation, scenic areas, and historic
23 areas. The evaluation shall include consultation with local, state, and
24 federal agencies with jurisdiction over affected portions of the
25 environment; and
26 (e) Decommissioning terms and conditions which must be in place
27 before construction begins. The terms and conditions shall include a site
28 restoration plan and surety to be held by the county to pay for
29 decommissioning, which may include, but not be limited to, a performance
30 bond for each wind turbine.
31 Sec. 2. Section 70-1014.02, Revised Statutes Cumulative Supplement,
1 2016, is amended to read:
2 70-1014.02 (1)(a) A privately developed renewable energy generation
3 facility that meets the requirements of this section is exempt from
4 sections 70-1012 to 70-1014.01 if no less than thirty days prior to the
5 commencement of construction the owner of the facility:
6 (i) Notifies the board in writing of its intent to commence
7 construction of a privately developed renewable energy generation
8 facility;
9 (ii) Certifies to the board that the facility will meet the
10 requirements for a privately developed renewable energy generation
11 facility;
12 (iii) Certifies to the board that the private electric supplier will
13 (A) comply with any decommissioning requirements adopted by the local
14 governmental entities having jurisdiction over the privately developed
15 renewable energy generation facility and (B) except as otherwise provided
16 in subdivision (b) of this subsection, submit a decommissioning plan to
17 the board obligating the private electric supplier to bear all costs of
18 decommissioning the privately developed renewable energy generation
19 facility and requiring that the private electric supplier post a security
20 bond or other instrument, no later than the tenth year following
21 commercial operation, securing the costs of decommissioning the facility
22 and provide a copy of the bond or instrument to the board;
23 (iv) Certifies to the board that the private electric supplier has
24 entered into or prior to commencing construction will enter into a joint
25 transmission development agreement pursuant to subdivision (c) of this
26 subsection with the electric supplier owning the transmission facilities
27 of sixty thousand volts or greater to which the privately developed
28 renewable energy generation facility will interconnect; and

29 (v) Certifies to the board that the private electric supplier has
30 consulted with the Game and Parks Commission to identify potential
31 measures to avoid, minimize, and mitigate impacts to species identified
1 under subsection (1) or (2) of section 37-806 during the project planning
2 and design phases, if possible, but in no event later than the
3 commencement of construction.

4 (b) The board may bring an action in the name of the State of
5 Nebraska for failure to comply with subdivision (a)(iii)(B) of this
6 subsection. Subdivision (a)(iii)(B) of this subsection does not apply if
7 a local government entity with the authority to create requirements for
8 decommissioning has enacted decommissioning requirements for the
9 applicable jurisdiction.

10 (c) The joint transmission development agreement shall address
11 construction, ownership, operation, and maintenance of such additions or
12 upgrades to the transmission facilities as required for the privately
13 developed renewable energy generation facility. The joint transmission
14 development agreement shall be negotiated and executed contemporaneously
15 with the generator interconnection agreement or other directives of the
16 applicable regional transmission organization with jurisdiction over the
17 addition or upgrade of transmission, upon terms consistent with prudent
18 electric utility practices for the interconnection of renewable
19 generation facilities, the electric supplier's reasonable transmission
20 interconnection requirements, and applicable transmission design and
21 construction standards. The electric supplier shall have the right to
22 purchase and own transmission facilities as set forth in the joint
23 transmission development agreement. The private electric supplier of the
24 privately developed renewable energy generation facility shall have the
25 right to construct any necessary facilities or improvements set forth in
26 the joint transmission development agreement pursuant to the standards
27 set forth in the agreement at the private electric supplier's cost.

28 (2) Within ten days after receipt of a written notice complying with
29 subsection (1) of this section, the executive director of the board shall
30 issue a written acknowledgment that the privately developed renewable
31 energy generation facility is exempt from sections 70-1012 to 70-1014.01.

1 (3) The exemption allowed under this section for a privately
2 developed renewable energy generation facility shall extend to and exempt
3 all private electric suppliers owning any interest in the facility,
4 including any successor private electric supplier which subsequently
5 acquires any interest in the facility.

6 (4) No property owned, used, or operated as part of a privately
7 developed renewable energy generation facility shall be subject to
8 eminent domain by a consumer-owned electric supplier operating in the
9 State of Nebraska. Nothing in this section shall be construed to grant
10 the power of eminent domain to a private electric supplier or limit the
11 rights of any entity to acquire any public, municipal, or utility right-
12 of-way across property owned, used, or operated as part of a privately
13 developed renewable energy generation facility as long as the right-of-
14 way does not prevent the operation of or access to the privately
15 developed renewable energy generation facility.

16 (5) Only a consumer-owned electric supplier operating in the State
17 of Nebraska may exercise eminent domain authority to acquire the land
18 rights necessary for the construction of transmission lines and related
19 facilities. ~~The exercise of eminent domain to provide needed transmission~~
20 ~~lines and related facilities for a privately developed renewable energy~~
21 ~~generation facility is a public use.~~
22 (6) Nothing in this section shall be construed to authorize a
23 private electric supplier to sell or deliver electricity at retail in
24 Nebraska.
25 (7) Nothing in this section shall be construed to limit the
26 authority of or require a consumer-owned electric supplier operating in
27 the State of Nebraska to enter into a joint agreement with a private
28 electric supplier to develop, construct, and jointly own a privately
29 developed renewable energy generation facility.
30 Sec. 3. Original section 70-1014.02, Revised Statutes Cumulative
31 Supplement, 2016, is repealed.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 8, 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

O'Hara Lindsay & Associates, Inc.
Recreation Vehicle Industry Association, 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>

MOTION(S) - Confirmation Report(s)

Senator Murante moved the adoption of the Government, Military and
Veterans Affairs Committee report for the confirmation of the following
appointment(s) found on page 772:

Nebraska Accountability and Disclosure Commission
Tom Carlson

Voting in the affirmative, 36:

Albrecht	Chambers	Harr	Linehan	Thibodeau
Baker	Clements	Hilgers	Lowe	Walz
Blood	Ebke	Hilkemann	McCollister	Williams
Bolz	Erdman	Hughes	Murante	Wishart
Bostelman	Friesen	Kolterman	Quick	
Brasch	Geist	Kuehn	Riepe	
Brewer	Groene	Larson	Schumacher	
Briese	Halloran	Lindstrom	Smith	

Voting in the negative, 0.

Present and not voting, 4:

Crawford	Howard	McDonnell	Stinner
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Excused and not voting, 9:

Hansen	Krist	Pansing Brooks	Vargas	Wayne
Kolowski	Morfeld	Scheer	Watermeier	

The appointment was confirmed with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 772:

Nebraska Accountability and Disclosure Commission
Marty Callahan

Voting in the affirmative, 37:

Albrecht	Chambers	Harr	Lowe	Thibodeau
Baker	Clements	Hilgers	McCollister	Walz
Blood	Crawford	Hilkemann	Murante	Watermeier
Bolz	Ebke	Kolterman	Pansing Brooks	Williams
Bostelman	Erdman	Kuehn	Quick	Wishart
Brasch	Friesen	Larson	Riepe	
Brewer	Geist	Lindstrom	Schumacher	
Briese	Halloran	Linehan	Smith	

Voting in the negative, 0.

Present and not voting, 5:

Groene	Howard	Hughes	McDonnell	Stinner
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Excused and not voting, 7:

Hansen	Krist	Scheer	Wayne
Kolowski	Morfeld	Vargas	

The appointment was confirmed with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 772:

State Personnel Board
Patrick Guinan

Voting in the affirmative, 39:

Albrecht	Clements	Harr	Linehan	Schumacher
Baker	Crawford	Hilgers	Lowe	Smith
Blood	Ebke	Hilkemann	McCollister	Thibodeau
Bolz	Erdman	Howard	McDonnell	Walz
Bostelman	Friesen	Kolterman	Murante	Watermeier
Brewer	Geist	Kuehn	Pansing Brooks	Williams
Briese	Groene	Larson	Quick	Wishart
Chambers	Halloran	Lindstrom	Riepe	

Voting in the negative, 0.

Present and not voting, 3:

Brasch	Hughes	Stinner
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Excused and not voting, 7:

Hansen	Krist	Scheer	Wayne
Kolowski	Morfeld	Vargas	

The appointment was confirmed with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 828:

Nebraska Tourism Commission
Roger A. Dixon

Voting in the affirmative, 39:

Albrecht	Clements	Harr	Linehan	Schumacher
Baker	Crawford	Hilgers	Lowe	Smith
Blood	Ebke	Hilkemann	McCollister	Thibodeau
Bolz	Erdman	Howard	McDonnell	Walz
Bostelman	Friesen	Hughes	Murante	Watermeier
Brasch	Geist	Kolterman	Pansing Brooks	Williams
Brewer	Groene	Kuehn	Quick	Wishart
Chambers	Halloran	Larson	Riepe	

Voting in the negative, 0.

Present and not voting, 3:

Briese Lindstrom Stinner

Excused and not voting, 7:

Hansen Krist Scheer Wayne
 Kolowski Morfeld Vargas

The appointment was confirmed with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 828:

State Emergency Response Commission
 Sherry Blaha
 Matthew J. DiVito
 John Grimes
 Joseph Oswalt

Voting in the affirmative, 37:

Albrecht	Clements	Hilkemann	McCollister	Thibodeau
Baker	Crawford	Howard	McDonnell	Walz
Blood	Ebke	Hughes	Murante	Watermeier
Bolz	Erdman	Kolterman	Pansing Brooks	Williams
Bostelman	Friesen	Kuehn	Quick	Wishart
Brasch	Geist	Larson	Riepe	
Briese	Halloran	Linehan	Schumacher	
Chambers	Hilgers	Lowe	Smith	

Voting in the negative, 0.

Present and not voting, 6:

Brewer Harr Lindstrom
 Groene Kolowski Stinner

Excused and not voting, 6:

Hansen	Morfeld	Vargas
Krist	Scheer	Wayne

The appointments were confirmed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 784:

Nebraska Oil and Gas Conservation Commission
Robert P. Goodwin
Thomas D. Oliver

Voting in the affirmative, 28:

Albrecht	Clements	Halloran	Linehan	Scheer
Baker	Crawford	Harr	Lowe	Schumacher
Bostelman	Erdman	Hilgers	McCollister	Thibodeau
Brasch	Friesen	Howard	Murante	Walz
Briese	Geist	Kolowski	Quick	
Chambers	Groene	Larson	Riepe	

Voting in the negative, 0.

Present and not voting, 15:

Blood	Ebke	Kuehn	Pansing Brooks	Watermeier
Bolz	Hilkemann	Lindstrom	Smith	Williams
Brewer	Kolterman	McDonnell	Stinner	Wishart

Excused and not voting, 6:

Hansen	Krist	Vargas
Hughes	Morfeld	Wayne

The appointments were confirmed with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 853:

Foster Care Advisory Committee
Michael Aerni
Noelle Petersen

Voting in the affirmative, 36:

Albrecht	Ebke	Hilgers	McCollister	Thibodeau
Blood	Erdman	Hilkemann	Morfeld	Walz
Bostelman	Friesen	Howard	Murante	Williams
Brasch	Geist	Kolowski	Pansing Brooks	Wishart
Briese	Groene	Kolterman	Quick	
Chambers	Halloran	Larson	Riepe	
Clements	Hansen	Linehan	Scheer	
Crawford	Harr	Lowe	Schumacher	

Voting in the negative, 0.

Present and not voting, 9:

Baker	Brewer	Lindstrom	Smith	Watermeier
Bolz	Kuehn	McDonnell	Stinner	

Excused and not voting, 4:

Hughes	Krist	Vargas	Wayne
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The appointments were confirmed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 935A. Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 935, One Hundred Fifth Legislature, Second Session, 2018.

AMENDMENT(S) - Print in Journal

Senator Howard filed the following amendment to LB931:
AM2228

(Amendments to Standing Committee amendments, AM1849)

- 1 1. On page 1, lines 15 and 16, after "the" insert "practitioner's".
- 2 2. On page 2, strike beginning with "The" in line 5 through "(3)" in line 10; and in line 30 after "patient" insert ", or with the patient if
4 the patient is an emancipated minor".
- 5 3. On page 3, line 15, strike "In order to take" and insert "Unless
6 the individual taking"; in line 16 strike ", an" and insert "is
7 personally and positively known to the pharmacist or dispensing
8 practitioner, the"; in line 17 strike "Nebraska"; in line 20 strike ",
9 resident, or employee" and insert "who is a resident"; and strike
10 beginning with "if" in line 22 through "facility" in line 23.

GENERAL FILE

LEGISLATIVE BILL 993. Committee AM1908, found on page 748 and considered on page 883, was renewed.

Senator Hilgers offered the following amendment to the committee amendment:

AM2325

(Amendments to Standing Committee amendments, AM1908)

- 1 1. Strike sections 1, 8, and 17 and insert the following new
- 2 section:
- 3 Sec. 17. (1) Any governing body, the Public Service Commission, or
- 4 any public safety agency and their employees, including employees of
- 5 public safety answering points, involved in the provision of next-
- 6 generation 911 service, shall, except for failure to use reasonable care
- 7 or for intentional acts, be immune from liability or the payment of
- 8 damages in providing next-generation 911 service.
- 9 (2) Except as provided in subsection (1) of this section, any person
- 10 involved in the provision of next-generation 911 service who: (a)
- 11 Receives, develops, collects, or processes information for any 911 data
- 12 base; (b) provides local exchange, interexchange, or transport service in
- 13 connection with any next-generation 911 service; (c) relays, transfers,
- 14 operates, maintains, or provides next-generation 911 service or systems
- 15 capabilities; or (d) provides next-generation 911 communications service
- 16 for emergency service providers shall, except for actions or inactions
- 17 that constitute gross negligence or intentional wrongful acts, be immune
- 18 from liability or the payment of damages in the performance of
- 19 installing, maintaining, or providing next-generation 911 service.
- 20 2. Renumber the remaining sections and correct the repealer and
- 21 internal references accordingly.

Senator Hilgers withdrew his amendment.

Senator Friesen offered the following amendment to the committee amendment:

AM2323

(Amendments to Standing Committee amendments, AM1908)

- 1 1. Strike sections 1 and 8.
- 2 2. On page 11, strike beginning with "actions" in line 9 through
- 3 "wrongful" in line 10 and insert "failure to use reasonable care or for
- 4 intentional".
- 5 3. Renumber the remaining sections and correct the repealer and
- 6 internal references accordingly.

The Friesen amendment was adopted with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 998. Title read. Considered.

Committee AM2044, found on page 732, was offered.

SPEAKER SCHEER PRESIDING

Senator Linehan offered the following amendment to the committee amendment:

AM2333

(Amendments to Standing Committee amendments, AM2044)

1 1. On page 1, line 6, after the period insert "If a social worker is
2 so employed, each school district with which the social worker will
3 interact shall designate a contact person for each school in the school
4 district.".

PRESIDENT FOLEY PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 861. Placed on Select File with amendment.

ER121

1 1. On page 1, strike beginning with "counties" in line 1 through
2 line 2 and insert "criminal prosecution; to amend sections 81-8,297,
3 81-8,299, 81-8,300.01, and 81-8,301, Reissue Revised Statutes of
4 Nebraska; to require certain prosecution costs of a county be paid by the
5 state as prescribed; to authorize requests by the Attorney General for
6 appointment of independent counsel in the prosecution of certain criminal
7 cases; to harmonize provisions; and to repeal the original sections."

LEGISLATIVE BILL 42. Placed on Select File with amendment.

ER124

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 60-6,265, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:
5 60-6,265 For purposes of sections 60-6,266 to 60-6,273:
6 (1) Occupant protection system means a system utilizing a lap belt,
7 a shoulder belt, or any combination of belts installed in a motor vehicle
8 which (a) restrains drivers and passengers and (b) conforms to Federal
9 Motor Vehicle Safety Standards, 49 C.F.R. 571.207, 571.208, 571.209, and
10 571.210, as such standards existed on January 1, 2009, or, as a minimum
11 standard, to the federal motor vehicle safety standards for passenger
12 restraint systems applicable for the motor vehicle's model year; and
13 (2) Three-point safety belt system means a system utilizing a
14 combination of a lap belt and a shoulder belt installed in a motor
15 vehicle which restrains drivers and passengers.

16 Sec. 2. Section 60-6,267, Revised Statutes Supplement, 2017, is
17 amended to read:

18 60-6,267 (1) Any person in Nebraska who drives any motor vehicle
19 which has or is required to have an occupant protection system or a
20 three-point safety belt system shall ensure that all children up to eight
21 ~~six~~ years of age being transported by such vehicle (a) use a child
22 passenger restraint system of a type which meets Federal Motor Vehicle
23 Safety Standard 213 as developed by the National Highway Traffic Safety
24 Administration, as such standard existed on January 1, 2009, and which is
25 correctly installed in such vehicle and (b) occupy a seat or seats, other
26 than a front seat, if such seat or seats are so equipped with such
27 passenger restraint system and such seat or seats are not already
1 occupied by a child or children under eight years of age. In addition,
2 all children up to two years of age shall use a rear-facing child
3 passenger restraint system until the child outgrows the child passenger
4 restraint system manufacturer's maximum allowable height or weight.

5 (2) Any person in Nebraska who drives any motor vehicle which has or
6 is required to have an occupant protection system or a three-point safety
7 belt system shall ensure that all children eight ~~six~~ years of age and
8 less than eighteen years of age being transported by such vehicle use an
9 occupant protection system.

10 (3) Subsections (1) and (2) of this section apply to autocycles and
11 to every motor vehicle which is equipped with an occupant protection
12 system or is required to be equipped with restraint systems pursuant to
13 Federal Motor Vehicle Safety Standard 208, as such standard existed on
14 January 1, 2009, except taxicabs, mopeds, motorcycles, and any motor
15 vehicle designated by the manufacturer as a 1963 year model or earlier
16 which is not equipped with an occupant protection system.

17 (4) Whenever any licensed physician determines, through accepted
18 medical procedures, that use of a child passenger restraint system by a
19 particular child would be harmful by reason of the child's weight,
20 physical condition, or other medical reason, the provisions of subsection
21 (1) or (2) of this section shall be waived. The driver of any vehicle
22 transporting such a child shall carry on his or her person or in the
23 vehicle a signed written statement of the physician identifying the child
24 and stating the grounds for such waiver.

25 (5) The drivers of authorized emergency vehicles shall not be
26 subject to the requirements of subsection (1) or (2) of this section when
27 operating such authorized emergency vehicles pursuant to their
28 employment.

29 (6) A driver of a motor vehicle shall not be subject to the
30 requirements of subsection (1) or (2) of this section if the motor
31 vehicle is being operated in a parade or exhibition and the parade or
1 exhibition is being conducted in accordance with applicable state law and
2 local ordinances and resolutions.

3 (7) The Department of Transportation shall develop and implement an
4 ongoing statewide public information and education program regarding the
5 use of child passenger restraint systems and occupant protection systems
6 and the availability of distribution and discount programs for child

7 passenger restraint systems.

8 (8) All persons being transported by a motor vehicle operated by a
9 holder of a provisional operator's permit or a school permit shall use
10 such motor vehicle's occupant protection system or a three-point safety
11 belt system.

12 Sec. 3. Section 71-1907, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:

14 71-1907 Any person furnishing foster care who is subject to
15 licensure under section 71-1902 or the Children's Residential Facilities
16 and Placing Licensure Act, when transporting in a motor vehicle any
17 children for whom care is being furnished, shall use an approved child
18 passenger restraint system for each child, except that an occupant
19 protection system or a three-point safety belt system as defined in
20 section 60-6,265 may be used for any child as prescribed in section
21 60-6,267 ~~six years of age or older~~.

22 Any person violating this section shall be guilty of an infraction
23 as defined in section 29-431 and shall have his or her license to furnish
24 foster care revoked or suspended by the Department of Health and Human
25 Services.

26 For purposes of this section, approved child passenger restraint
27 system shall mean a restraint system which meets Federal Motor Vehicle
28 Safety Standard 213 as developed by the National Highway Traffic Safety
29 Administration, as such standard existed on July 20, 2002.

30 Sec. 4. This act becomes operative on January 1, 2019.

31 Sec. 5. Original sections 60-6,265 and 71-1907, Revised Statutes
1 Cumulative Supplement, 2016, and section 60-6,267, Revised Statutes
2 Supplement, 2017, are repealed.

3 2. On page 1, strike beginning with "60-6,265" in line 1 through
4 line 5 and insert "60-6,265 and 71-1907, Revised Statutes Cumulative
5 Supplement, 2016, and section 60-6,267, Revised Statutes Supplement,
6 2017; to redefine a term; to change provisions relating to child
7 passenger restraint requirements; to harmonize provisions; to provide an
8 operative date; and to repeal the original sections."

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB1078:
AM2318

1 1. Insert the following new section:

2 Section 1. Section 43-1303, Revised Statutes Supplement, 2017, is
3 amended to read:

4 43-1303 (1) The office shall maintain the statewide register of all
5 foster care placements occurring within the state, and there shall be a
6 weekly report made to the registry of all foster care placements by the
7 Department of Health and Human Services, any child-placing agency, or any
8 court in a form as developed by the office in consultation with
9 representatives of entities required to make such reports. For each child

10 entering and leaving foster care, such report shall consist of
11 identifying information, placement information, the plan or permanency
12 plan developed by the person or court in charge of the child pursuant to
13 section 43-1312, and information on whether any such child was a person
14 immune from criminal prosecution under subsection (5) of section 28-801
15 or was considered a trafficking victim as defined in section 28-830. The
16 department, the Office of Probation Administration, and every court and
17 child-placing agency shall report any foster care placement within three
18 working days. The report shall contain the following information:
19 (a) Child identification information, including name, date of birth,
20 gender, race, religion, and ethnicity;
21 (b) Identification information for parents and stepparents,
22 including name, address, and status of parental rights;
23 (c) Placement information, including (i) initial placement date,
24 (ii) current placement date, (iii) ~~and~~ the name and address of the foster
25 care placement, (iv) if a relative placement or kinship placement,
26 whether the foster care placement is licensed, and (v) whether the foster
27 care placement has received a waiver pursuant to section 71-1904 and the
1 basis for such waiver;
2 (d) Court status information, including which court has
3 jurisdiction, initial custody date, court hearing date, and results of
4 the court hearing;
5 (e) Agency or other entity having custody of the child; and
6 (f) Case worker, probation officer, or person providing direct case
7 management or supervision functions.
8 (2)(a) The Foster Care Review Office shall designate a local board
9 to conduct foster care file audit case reviews for each case of children
10 in foster care placement.
11 (b) The office may adopt and promulgate rules and regulations for
12 the following:
13 (i) Establishment of training programs for local board members which
14 shall include an initial training program and periodic inservice training
15 programs;
16 (ii) Development of procedures for local boards;
17 (iii) Establishment of a central record-keeping facility for all
18 local board files, including foster care file audit case reviews;
19 (iv) Accumulation of data and the making of annual reports on
20 children in foster care placements. Such reports shall include, but not
21 be limited to, (A) personal data on length of time in foster care, (B)
22 number of placements, (C) frequency and results of foster care file audit
23 case reviews and court review hearings, (D) number of children supervised
24 by the foster care programs in the state annually, (E) trend data
25 impacting foster care, services, and placements, (F) analysis of the
26 data, and (G) recommendations for improving the foster care system in
27 Nebraska;
28 (v) Accumulation of data and the making of quarterly reports
29 regarding the children in foster care placements;
30 (vi) To the extent not prohibited by section 43-1310, evaluation of
31 the judicial and administrative data collected on foster care and the

1 dissemination of such data to the judiciary, public and private agencies,
 2 the department, and members of the public; and
 3 (vii) Manner in which the office shall determine the appropriateness
 4 of requesting a court review hearing as provided for in section 43-1313.
 5 (3) A local board shall send a written report to the office for each
 6 foster care file audit case review conducted by the local board. A court
 7 shall send a written report to the office for each foster care review
 8 hearing conducted by the court.
 9 (4) The office shall report and make recommendations to the
 10 Legislature, the department, the Office of Probation Administration, the
 11 courts, local boards, and county welfare offices. Such reports and
 12 recommendations shall include, but not be limited to, the annual judicial
 13 and administrative data collected on foster care pursuant to subsections
 14 (2) and (3) of this section and the annual evaluation of such data. The
 15 report and recommendations submitted to the Legislature shall be
 16 submitted electronically. In addition, the Foster Care Review Office
 17 shall provide copies of such reports and recommendations to each court
 18 having the authority to make foster care placements. The executive
 19 director of the office shall also provide, at a time specified by the
 20 Health and Human Services Committee of the Legislature, regular
 21 electronic updates regarding child welfare data and information at least
 22 quarterly, and a fourth-quarter report which shall be the annual report.
 23 The executive director shall include issues, policy concerns, and
 24 problems which have come to the office and the executive director from
 25 analysis of the data. The executive director shall recommend alternatives
 26 to the identified problems and related needs of the office and the foster
 27 care system to the committee. The Health and Human Services Committee
 28 shall coordinate and prioritize data and information requests submitted
 29 to the office by members of the Legislature. The annual report of the
 30 office shall be completed by December 1 each year and shall be submitted
 31 electronically to the committee.
 1 (5) The executive director of the office or his or her designees
 2 from the office may visit and observe foster care facilities in order to
 3 ascertain whether the individual physical, psychological, and
 4 sociological needs of each foster child are being met.
 5 (6) At the request of any state agency, the executive director of
 6 the office or his or her designees from the office may conduct a case
 7 file review process and data analysis regarding any state ward or ward of
 8 the court whether placed in-home or out-of-home at the time of the case
 9 file review.
 10 2. Renumber the remaining sections and amend the repealer
 11 accordingly.

Senator Howard filed the following amendment to LB714:
 AM2339

(Amendments to Standing Committee amendments, AM1754)

1 1. On page 4, strike lines 29 through 31 and insert the following
 2 new subsection:
 3 "(4) Unless otherwise provided in the judgment of emancipation, the

4 judgment of emancipation shall explicitly suspend any order regarding
 5 custody, parenting time, or support of the minor and be reported by the
 6 district court clerk to the jurisdiction that issued such order."

7 2. On page 5, strike lines 1 through 5.

8 3. On page 6, after line 21, insert the following new subsection:

9 "(6) If a prior order regarding custody, parenting time, or support
 10 of the minor was suspended by the judgment of emancipation, the order
 11 rescinding the judgment of emancipation shall be reported by the district
 12 court clerk to the jurisdiction in which such order was issued and shall
 13 serve to reinstate such prior order of custody, parenting time, or
 14 support."; in line 22 strike "(6)" and insert "(7)"; and in line 25
 15 strike "(7)" and insert "(8)".

Senator Krist filed the following amendment to LB944:
 AM2289

(Amendments to Standing Committee amendments, AM1699)

1 1. On page 2, after line 17 insert:

2 "CASH FUND -0- 50,000

3 PROGRAM TOTAL -0- 50,000"; and after line 18 insert:

4 "There is included in the appropriation to this program for
 5 FY2018-19 \$50,000 Cash Funds for state aid, which shall only be used for
 6 such purpose."

Senator Krist filed the following amendment to LB945:
 AM2288

(Amendments to Standing Committee amendments, AM1700)

1 1. Insert the following new section:

2 Sec. 9. Section 9-1,101, Revised Statutes Cumulative Supplement,

3 2016, is amended to read:

4 9-1,101 (1) The Nebraska Bingo Act, the Nebraska County and City
 5 Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle
 6 Card Lottery Act, the Nebraska Small Lottery and Raffle Act, and section
 7 9-701 shall be administered and enforced by the Charitable Gaming
 8 Division of the Department of Revenue, which division is hereby created.
 9 The Department of Revenue shall make annual reports to the Governor,
 10 Legislature, Auditor of Public Accounts, and Attorney General on all tax
 11 revenue received, expenses incurred, and other activities relating to the
 12 administration and enforcement of such acts. The report submitted to the
 13 Legislature shall be submitted electronically.

14 (2) The Charitable Gaming Operations Fund is hereby created. Any
 15 money in the fund available for investment shall be invested by the state
 16 investment officer pursuant to the Nebraska Capital Expansion Act and the
 17 Nebraska State Funds Investment Act.

18 (3)(a) Forty percent of the taxes collected pursuant to sections
 19 9-239, 9-344, 9-429, and 9-648 shall be available to the Charitable
 20 Gaming Division for administering and enforcing the acts listed in
 21 subsection (1) of this section and providing administrative support for
 22 the Nebraska Commission on Problem Gambling. The remaining sixty percent
 23 shall be transferred to the General Fund. Any portion of the forty

24 percent not used by the division in the administration and enforcement of
25 such acts and section shall be distributed as provided in this
26 subsection.

1 (b) On or before November 1 each year, the State Treasurer shall
2 transfer one hundred fifty thousand dollars from the Charitable Gaming
3 Operations Fund to the Compulsive Gamblers Assistance Fund, except that
4 no transfer shall occur if the Charitable Gaming Operations Fund contains
5 less than one hundred fifty thousand dollars.

6 (c) Any money remaining in the Charitable Gaming Operations Fund
7 after the transfer pursuant to subdivision (b) of this subsection not
8 used by the Charitable Gaming Division in its administration and
9 enforcement duties pursuant to this section may be transferred to the
10 General Fund at the direction of the Legislature.

11 (4) The Tax Commissioner shall employ investigators who shall be
12 vested with the authority and power of a law enforcement officer to carry
13 out the laws of this state administered by the Tax Commissioner or the
14 Department of Revenue and to enforce sections 28-1101 to 28-1117 relating
15 to possession of a gambling device. For purposes of enforcing sections
16 28-1101 to 28-1117, the authority of the investigators shall be limited
17 to investigating possession of a gambling device, notifying local law
18 enforcement authorities, and reporting suspected violations to the county
19 attorney for prosecution.

20 (5) The Charitable Gaming Division may charge a fee for publications
21 and listings it produces. The fee shall not exceed the cost of
22 publication and distribution of such items. The division may also charge
23 a fee for making a copy of any record in its possession equal to the
24 actual cost per page. The division shall remit the fees to the State
25 Treasurer for credit to the Charitable Gaming Operations Fund.

26 (6) For administrative purposes only, the Nebraska Commission on
27 Problem Gambling shall be located within the Charitable Gaming Division.
28 The division shall provide office space, furniture, equipment, and
29 stationery and other necessary supplies for the commission. Commission
30 staff shall be appointed, supervised, and terminated by the director of
31 the Gamblers Assistance Program pursuant to section 9-1004.

1 2. On page 21, line 31, after "sections" insert "9-1,101,".

2 3. Renumber the remaining sections and correct internal references
3 accordingly.

VISITORS

Visitors to the Chamber were Ginger, Nora, and Jude Jelinek from Firth; Jayson, Deanne, Meghan, Myles, and Lauren Bishop from Grant; Charlotte Kadangwe, Annah Chabinga, and Wakisa Mtika from Malawi; Jim and Jan Campbell from Bertrand; Senator Clements' son, grandson, and granddaughter, Tom, Isaac, and Emma Clements from Louisville; 63 fourth-grade students from Norris Elementary, Millard; and 7 International Visitor Leadership Program participants.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

ADJOURNMENT

At 11:51 a.m., on a motion by Senator Clements, the Legislature adjourned until 10:00 a.m., Monday, March 12, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIRST DAY - MARCH 12, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****FORTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 12, 2018

PRAYER

The prayer was offered by Monsignor Daniel Seiker, St. Gregory the Great Seminary, Seward.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Howard, Krist, Vargas, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fortieth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1090. Placed on Select File with amendment.
ER125

1 1. On page 1, strike beginning with "inflation" in line 4 through
2 "provisions" in line 5 and insert "income tax brackets, personal
3 exemptions, standard deductions, and itemized deductions".

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 690. Placed on General File with amendment.
AM2283

1 1. On page 2, strike beginning with the first comma in line 13
2 through "airbag" in line 14.

LEGISLATIVE BILL 897. Placed on General File with amendment.

AM2342

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

2 sections:

3 Section 1. Section 28-902, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 28-902 (1) Except as provided in subsection (2) of this section,
6 every health care provider ~~Every person engaged in the practice of~~
7 ~~medicine and surgery, or who is in charge of any emergency room or first-~~
8 ~~aid station in this state,~~ shall immediately report to law enforcement
9 every case, in which the health care provider he is consulted for medical
10 care for physical treatment or treats a wound or injury of violence which
11 appears to have been received in connection with, or as a result of, the
12 commission of a criminal offense, immediately to the chief of police of
13 the municipality or to the sheriff of the county wherein the consultation
14 or treatment occurs. Such report shall include the name of the victim
15 such person, the residence, if ascertainable, and a brief description of
16 the victim's physical injury, and, if ascertainable, the victim's
17 residential address and the location of the offense injury. Any other
18 ~~provision of law or rule of evidence relative to confidential~~
19 ~~communications is suspended insofar as compliance with the provisions of~~
20 ~~this section is are concerned.~~

21 (2) When a health care provider is consulted for medical care for
22 physical injury which reasonably appears to have been received in
23 connection with, or as a result of, the commission of an actual or
24 attempted sexual assault and the victim was eighteen years of age or
25 older at the time of such actual or attempted sexual assault, the health
26 care provider shall:

27 (a) Provide the victim with information detailing the reporting
1 options available under subdivision (2)(b) of this section;

2 (b) Ask the victim either:

3 (i) To provide written consent to report such actual or attempted
4 sexual assault as provided in subsection (1) of this section. If the
5 victim provides such written consent, the health care provider shall make
6 the report required by subsection (1) of this section and submit to law
7 enforcement a sexual assault evidence collection kit if one has been
8 obtained; or

9 (ii) To sign a written acknowledgment that such actual or attempted
10 sexual assault will not be reported except as provided in subdivision (2)
11 (c) or subsection (3) of this section, but that the health care provider
12 will submit to law enforcement a sexual assault evidence collection kit,
13 if one has been obtained, using an anonymous reporting protocol. A health
14 care provider may use the anonymous reporting protocol developed by the
15 Attorney General under section 2 of this act or may use a different
16 anonymous reporting protocol;

17 (c) Regardless of the victim's decision under subdivision (2)(b) of
18 this section, if the victim is suffering from a serious bodily injury, or
19 any bodily injury where a deadly weapon was used to inflict such injury,
20 which appears to have been received in connection with, or as a result

21 of the commission of an actual or attempted sexual assault, the health
22 care provider shall report such injury to law enforcement as provided in
23 subsection (1) of this section; and
24 (d) Unless declined by the victim, refer him or her to an advocate.
25 (3) When a health care provider is consulted for medical care for
26 physical injury which reasonably appears to have been received in
27 connection with, or as a result of, the commission of an actual or
28 attempted sexual assault, the health care provider shall, regardless of
29 the victim's age or the victim's decision under subdivision (2)(b) of
30 this section, provide law enforcement with a sexual assault evidence
31 collection kit if one has been obtained.
1 (4) A law enforcement agency receiving a sexual assault evidence
2 collection kit under this section shall preserve such kit for twenty
3 years after the date of receipt or as otherwise ordered by a court.
4 (5) Any health care provider who knowingly fails to make any report
5 required by subsection (1) of this section is guilty of a Class III
6 misdemeanor. If multiple health care providers are involved in the
7 consultation of a person in a given occurrence, this section does not
8 require each health care provider to make a separate report, so long as
9 one of such health care providers makes the report required by this
10 section.
11 (6) For purposes of this section:
12 (a) Advocate has the same meaning as in section 29-4302;
13 (b) Anonymous reporting protocol means a reporting protocol that
14 allows the identity of the victim, his or her personal or identifying
15 information, and the details of the sexual assault or attempted sexual
16 assault to remain confidential and undisclosed by the health care
17 provider, other than submission to law enforcement of any sexual assault
18 evidence collection kit, unless and until the victim consents to the
19 release of such information;
20 (c) Health care provider means any of the following individuals who
21 are licensed, certified, or registered to perform specified health
22 services consistent with state law: A physician, physician assistant,
23 nurse, or advanced practice registered nurse;
24 (d) Law enforcement means a law enforcement agency in the county in
25 which the consultation occurred; and
26 (e) Victim means the person seeking medical care.
27 ~~(2) Any person who fails to make the report required by subsection~~
28 ~~(1) of this section commits a Class III misdemeanor.~~
29 Sec. 2. On or before July 1, 2019, the Attorney General shall
30 develop and distribute a statewide model anonymous reporting protocol for
31 use by health care providers as provided in section 28-902. Once
1 developed, the statewide model anonymous reporting protocol shall be
2 maintained by the Nebraska Commission on Law Enforcement and Criminal
3 Justice.
4 Sec. 3. Original section 28-902, Reissue Revised Statutes of
5 Nebraska, is repealed.

(Signed) Laura Ebke, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 343. Introduced by Clements, 2.

WHEREAS, multiple sclerosis (MS) is an unpredictable, often disabling disease of the central nervous system that interrupts the flow of information between the brain and the body and for which there is no known cure; and

WHEREAS, although there has been significant progress in MS research, there are only fifteen disease-modifying treatments for the relapsing-remitting form of the disease and one for the more debilitating, primary progressive form; and

WHEREAS, it is estimated that nearly 2.3 million people in the world are currently living with MS; and

WHEREAS, more than 400,000 people in the United States are living with MS, including more than 4,000 people in Nebraska; and

WHEREAS, the National MS Society exists to help each person address the challenges of living with MS by funding cutting-edge research, facilitating professional education, and providing programs and services that help people with MS and their families move their lives forward; and

WHEREAS, MS Awareness Month is recognized annually in March to unite people in Nebraska, the United States, and worldwide in the fight to end MS, to create connections stronger than the ones MS destroys, and to educate people about MS and what they can do to make a difference.

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

1. That the Legislature recognizes March 2018 as MS Awareness Month in Nebraska.
2. That a copy of this resolution be sent to the National Multiple Sclerosis Society-Mid America Chapter.

Laid over.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR334 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR334.

GENERAL FILE

LEGISLATIVE BILL 998. Senator Linehan renewed her amendment, AM2333, found on page 907, to the committee amendment.

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

Senator Bolz moved for a call of the house. The motion prevailed with 20 ayes, 3 nays, and 26 not voting.

Senator Bolz requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 24:

Baker	Crawford	Howard	Morfeld	Walz
Blood	Ebke	Kolowski	Pansing Brooks	Wayne
Bolz	Hansen	Kolterman	Quick	Williams
Briese	Harr	McCollister	Stinner	Wishart
Chambers	Hilkemann	McDonnell	Vargas	

Voting in the negative, 14:

Albrecht	Brewer	Groene	Hughes	Lowe
Bostelman	Clements	Halloran	Kuehn	Riepe
Brasch	Erdman	Hilgers	Larson	

Present and not voting, 9:

Friesen	Lindstrom	Murante	Schumacher	Thibodeau
Geist	Linehan	Scheer	Smith	

Excused and not voting, 2:

Krist	Watermeier
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The motion to cease debate failed with 24 ayes, 14 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB946:
AM2368

(Amendments to Standing Committee amendments, AM1701)

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 90-106, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 90-106 The official slogan and official symbol, either separately or
- 5 in conjunction with each other, shall be used by all agencies of the
- 6 state whenever appropriate in the promotion of the state. ~~They shall be~~
- 7 ~~imprinted on all state letterheads and the reverse side of all mailing~~
- 8 ~~envelopes as new supplies are acquired.~~
- 9 2. On page 3, line 20, after "Original" insert "section 90-106,

10 Reissue Revised Statutes of Nebraska, and"; and in line 21 strike "is"
 11 and insert "are".
 12 3. Renumber the remaining sections accordingly.

COMMITTEE REPORT(S)

Transportation and Telecommunications

The Transportation and Telecommunications 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.

LaShonna Dorsey - Nebraska Information Technology Commission
 Terry Haack - Nebraska Information Technology Commission
 Dorest Harvey - Nebraska Information Technology Commission
 Thomas Nutt - Nebraska Information Technology Commission
 Gerald Warren - Nebraska Information Technology Commission
 Walter G. Weir - Nebraska Information Technology Commission

Aye: 8 Bostelman, Briese, Friesen, Geist, Hilgers, Hughes, Murante, Smith.
 Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Curt Friesen, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Murante name added to LB553.

VISITORS

Visitors to the Chamber were Jereme and Noah Jones from York; Grace McDonald from Phillips; 21 kindergarten- through fourth-grade students from Hampton Lutheran School; and 30 seventh- and eighth-grade students from Logan Fontenelle Middle School, Bellevue.

RECESS

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

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Groene, Howard, Stinner, and Watermeier who were excused until they arrive.

AMENDMENT(S) - Print in Journal

Senator Hughes filed the following amendment to LB998:
AM2366

(Amendments to Standing Committee amendments, AM2044)

- 1 1. Insert the following new amendment:
- 2 3. Insert the following new section:
- 3 Section 1. No educational service unit may receive any revenue from
- 4 property taxes, any state aid, or any money from the General Fund for a
- 5 program which the educational service unit administers which was started
- 6 with private grant funds.
- 7 2. Renumber the remaining sections and correct internal references
- 8 accordingly.

Senator Groene filed the following amendment to LB596:
AM2315

(Amendments to Standing Committee amendments, AM621)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 38-101, Revised Statutes Supplement, 2017, is
- 4 amended to read:
- 5 38-101 Sections 38-101 to 38-1,142 and section 3 of this act and the
- 6 following practice acts shall be known and may be cited as the Uniform
- 7 Credentialing Act:
- 8 (1) The Advanced Practice Registered Nurse Practice Act;
- 9 (2) The Alcohol and Drug Counseling Practice Act;
- 10 (3) The Athletic Training Practice Act;
- 11 (4) The Audiology and Speech-Language Pathology Practice Act;
- 12 (5) The Certified Nurse Midwifery Practice Act;
- 13 (6) The Certified Registered Nurse Anesthetist Practice Act;
- 14 (7) The Chiropractic Practice Act;
- 15 (8) The Clinical Nurse Specialist Practice Act;
- 16 (9) The Cosmetology, Electrology, Esthetics, Nail Technology, and
- 17 Body Art Practice Act;
- 18 (10) The Dentistry Practice Act;
- 19 (11) The Dialysis Patient Care Technician Registration Act;
- 20 (12) The Emergency Medical Services Practice Act;
- 21 (13) The Environmental Health Specialists Practice Act;
- 22 (14) The Funeral Directing and Embalming Practice Act;
- 23 (15) The Genetic Counseling Practice Act;
- 24 (16) The Hearing Instrument Specialists Practice Act;
- 25 (17) The Licensed Practical Nurse-Certified Practice Act until
- 26 November 1, 2017;
- 1 (18) The Massage Therapy Practice Act;

- 2 (19) The Medical Nutrition Therapy Practice Act;
- 3 (20) The Medical Radiography Practice Act;
- 4 (21) The Medicine and Surgery Practice Act;
- 5 (22) The Mental Health Practice Act;
- 6 (23) The Nurse Practice Act;
- 7 (24) The Nurse Practitioner Practice Act;
- 8 (25) The Nursing Home Administrator Practice Act;
- 9 (26) The Occupational Therapy Practice Act;
- 10 (27) The Optometry Practice Act;
- 11 (28) The Perfusion Practice Act;
- 12 (29) The Pharmacy Practice Act;
- 13 (30) The Physical Therapy Practice Act;
- 14 (31) The Podiatry Practice Act;
- 15 (32) The Psychology Practice Act;
- 16 (33) The Respiratory Care Practice Act;
- 17 (34) The Surgical First Assistant Practice Act;
- 18 (35) The Veterinary Medicine and Surgery Practice Act; and
- 19 (36) The Water Well Standards and Contractors' Practice Act.
- 20 If there is any conflict between any provision of sections 38-101 to
- 21 38-1,142 and any provision of a practice act, the provision of the
- 22 practice act shall prevail.
- 23 The Revisor of Statutes shall assign the Uniform Credentialing Act,
- 24 including the practice acts enumerated in subdivisions (1) through (35)
- 25 of this section, to articles within Chapter 38.
- 26 Sec. 2. Section 38-121, Revised Statutes Supplement, 2017, is
- 27 amended to read:
- 28 38-121 (1) No individual shall engage in the following practices
- 29 unless such individual has obtained a credential under the Uniform
- 30 Credentialing Act:
- 31 (a) Acupuncture;
- 1 (b) Advanced practice nursing;
- 2 (c) Alcohol and drug counseling;
- 3 (d) Asbestos abatement, inspection, project design, and training;
- 4 (e) Athletic training;
- 5 (f) Audiology;
- 6 (g) Speech-language pathology;
- 7 (h) Body art;
- 8 (i) Chiropractic;
- 9 (j) Cosmetology;
- 10 (k) Dentistry;
- 11 (l) Dental hygiene;
- 12 (m) Electrology;
- 13 (n) Emergency medical services;
- 14 (o) Esthetics;
- 15 (p) Funeral directing and embalming;
- 16 (q) Genetic counseling;
- 17 (r) Hearing instrument dispensing and fitting;
- 18 (s) Lead-based paint abatement, inspection, project design, and
- 19 training;

- 20 (t) Licensed practical nurse-certified until November 1, 2017;
- 21 (u) Massage therapy;
- 22 (v) Medical nutrition therapy;
- 23 (w) Medical radiography;
- 24 (x) Medicine and surgery;
- 25 (y) Mental health practice;
- 26 (z) Nail technology;
- 27 (aa) Nursing;
- 28 (bb) Nursing home administration;
- 29 (cc) Occupational therapy;
- 30 (dd) Optometry;
- 31 (ee) Osteopathy;
- 1 (ff) Perfusion;
- 2 (gg) Pharmacy;
- 3 (hh) Physical therapy;
- 4 (ii) Podiatry;
- 5 (jj) Psychology;
- 6 (kk) Radon detection, measurement, and mitigation;
- 7 (ll) Respiratory care;
- 8 (mm) Surgical assisting;
- 9 (nn) Veterinary medicine and surgery;
- 10 (oo) Public water system operation; and
- 11 (pp) Constructing or decommissioning water wells and installing
- 12 water well pumps and pumping equipment.
- 13 (2) No individual shall hold himself or herself out as any of the
- 14 following until such individual has obtained a credential under the
- 15 Uniform Credentialing Act for that purpose:
- 16 (a) Registered environmental health specialist;
- 17 (b) Certified marriage and family therapist;
- 18 (c) Certified professional counselor;
- 19 (d) Social worker; ~~or~~
- 20 (e) Dialysis patient care technician; or -
- 21 (f) Equine massage practitioner.
- 22 (3) No business shall operate for the provision of any of the
- 23 following services unless such business has obtained a credential under
- 24 the Uniform Credentialing Act:
- 25 (a) Body art;
- 26 (b) Cosmetology;
- 27 (c) Emergency medical services;
- 28 (d) Esthetics;
- 29 (e) Funeral directing and embalming;
- 30 (f) Massage therapy; or
- 31 (g) Nail technology.
- 1 Sec. 3. (1) For purposes of this section:
- 2 (a) Equine massage practice means the application of hands-on
- 3 massage techniques for the purpose of increasing circulation, relaxing
- 4 muscle spasms, relieving tension, enhancing muscle tone, and increasing
- 5 range of motion in equine; and
- 6 (b) Equine massage practitioner means a person registered on the

7 Equine Massage Practitioner Registry to engage in equine massage
8 practice.

9 (2) The Equine Massage Practitioner Registry is created. Any person
10 engaged in the practice of equine massage for compensation shall (a)
11 apply to the department for listing in the registry, (b) submit as part
12 of the application (i) evidence of receipt of a degree or certificate in
13 equine massage from a school approved by the department or with an
14 accreditation recognized by the United States Department of Education or
15 (ii) until January 1, 2022, two letters of recommendation from licensed
16 veterinarians attesting to the applicant's competence to engage in equine
17 massage practice, and (c) pay the applicable fee. A listing in the
18 registry shall be valid for five years and shall be eligible to be
19 renewed unless such listing is refused renewal or removed pursuant to
20 subsection (4) of this section or section 38-178.

21 (3) The department shall list on the registry the following
22 information for each applicant who submits a complete application and
23 pays the applicable fee: (a) The individual's full name; (b) information
24 necessary to identify and contact the individual; (c) a list of
25 experience and education related to equine massage practice; and (d) any
26 other information as the department may require by rule and regulation.

27 (4) Any person convicted of violating the Livestock Animal Welfare
28 Act shall be denied registration or renewal of a registration and shall
29 be removed from the registry, if applicable.

30 Sec. 4. Section 38-3314, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 38-3314 Unlicensed assistant means an individual who is not a
2 licensed veterinarian, a licensed veterinary technician, or a licensed
3 animal therapist and who is working in veterinary medicine. Unlicensed
4 assistant does not include an equine massage practitioner as defined in
5 section 3 of this act.

6 Sec. 5. Section 38-3321, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 38-3321 No person may practice veterinary medicine and surgery in
9 the state who is not a licensed veterinarian, no person may perform
10 delegated animal health care tasks in the state who is not a licensed
11 veterinary technician or an unlicensed assistant performing such tasks
12 within the limits established under subdivision (2) of section 38-3326,
13 and no person may perform health care therapy on animals in the state who
14 is not a licensed animal therapist. The Veterinary Medicine and Surgery
15 Practice Act shall not be construed to prohibit:

16 (1) An employee of the federal, state, or local government from
17 performing his or her official duties;

18 (2) A person who is a student in a veterinary school from performing
19 duties or actions assigned by his or her instructors or from working
20 under the direct supervision of a licensed veterinarian;

21 (3) A person who is a student in an approved veterinary technician
22 program from performing duties or actions assigned by his or her
23 instructors or from working under the direct supervision of a licensed
24 veterinarian or a licensed veterinary technician;

- 25 (4) Any merchant or manufacturer from selling feed or feeds whether
 26 medicated or nonmedicated;
- 27 (5) A veterinarian regularly licensed in another state from
 28 consulting with a licensed veterinarian in this state;
- 29 (6) Any merchant or manufacturer from selling from his or her
 30 established place of business medicines, appliances, or other products
 31 used in the prevention or treatment of animal diseases or any merchant or
 1 manufacturer's representative from conducting educational meetings to
 2 explain the use of his or her products or from investigating and advising
 3 on problems developing from the use of his or her products;
- 4 (7) An owner of livestock or a bona fide farm or ranch employee from
 5 performing any act of vaccination, surgery, pregnancy testing,
 6 retrievable transplantation of embryos on bovine, including recovering,
 7 freezing, and transferring embryos on bovine, or the administration of
 8 drugs in the treatment of domestic animals under his or her custody or
 9 ownership nor the exchange of services between persons or bona fide
 10 employees who are principally farm or ranch operators or employees in the
 11 performance of these acts;
- 12 (8) A member of the faculty of a veterinary school or veterinary
 13 science department from performing his or her regular functions, or a
 14 person lecturing or giving instructions or demonstrations at a veterinary
 15 school or veterinary science department or in connection with a
 16 continuing competency activity;
- 17 (9) Any person from selling or applying any pesticide, insecticide,
 18 or herbicide;
- 19 (10) Any person from engaging in bona fide scientific research which
 20 reasonably requires experimentation involving animals;
- 21 (11) Any person from treating or in any manner caring for domestic
 22 chickens, turkeys, or waterfowl, which are specifically exempted from the
 23 Veterinary Medicine and Surgery Practice Act;
- 24 (12) Any person from performing dehorning or castrating livestock,
 25 not to include equidae.
 26 For purposes of the Veterinary Medicine and Surgery Practice Act,
 27 castration shall be limited to the removal or destruction of male testes;
- 28 (13) Any person who holds a valid credential in the State of
 29 Nebraska in a health care profession or occupation regulated under the
 30 Uniform Credentialing Act from consulting with a licensed veterinarian or
 31 performing collaborative animal health care tasks on an animal under the
 1 care of such veterinarian if all such tasks are performed under the
 2 immediate supervision of such veterinarian; ~~or~~
- 3 (14) A person from performing a retrievable transplantation of
 4 embryos on bovine, including recovering, freezing, and transferring
 5 embryos on bovine, if the procedure is being performed by a person who
 6 (a) holds a doctorate degree in animal science with an emphasis in
 7 reproductive physiology from an accredited college or university and (b)
 8 has and can show proof of valid professional liability insurance; ~~or~~ -
- 9 (15) An equine massage practitioner as defined in section 3 of this
 10 act from engaging in equine massage practice as defined in section 3 of
 11 this act.

12 Sec. 6. Original sections 38-3314 and 38-3321, Reissue Revised
13 Statutes of Nebraska, and sections 38-101 and 38-121, Revised Statutes
14 Supplement, 2017, are repealed.

GENERAL FILE

LEGISLATIVE BILL 1119. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present
and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 589. Committee AM438, found on page 695, First
Session, 2017, and considered on pages 396, 438, and 483, was renewed.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 993. Placed on Select File with amendment.

ER126

1 1. In the Standing Committee amendments, AM1908:
2 a. On page 7, lines 12 and 13, strike "12" through "18" and insert
3 "10, 11, 14, 15, and 16"; and in line 18, strike "12" and insert "10";
4 and
5 b. On page 9, line 19, strike "13" and insert "11".
6 2. On page 1, strike beginning with "the" in line 1 through line 12
7 and insert "911 service; to amend sections 86-442, 86-459, 86-462,
8 86-465, 86-466, and 86-904, Reissue Revised Statutes of Nebraska, and
9 sections 86-458, 86-1001, 86-1004, 86-1025, 86-1026, 86-1027, and
10 86-1028, Revised Statutes Cumulative Supplement, 2016; to define a term;
11 to create and provide duties for the 911 Service System Advisory
12 Committee; to change and provide duties for the Public Service
13 Commission; to change provisions relating to use of the 911 Service
14 System Fund; to provide authority for access to federal and other funds;
15 to provide immunity to certain service providers and the Public Service
16 Commission as prescribed; to eliminate a fund, a study, and a termination
17 date; to harmonize provisions; to repeal the original sections; to
18 outright repeal sections 86-443.01 and 86-471, Reissue Revised Statutes
19 of Nebraska, section 86-1030, Revised Statutes Cumulative Supplement,
20 2016, and section 86-463, Revised Statutes Supplement, 2017; and to
21 declare an emergency.".

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 902. Placed on General File.**LEGISLATIVE BILL 1036.** Placed on General File.**LEGISLATIVE BILL 1038.** Placed on General File.**LEGISLATIVE BILL 364.** Placed on General File with amendment.
AM1649

- 1 1. On page 12, line 4, strike "2018" and insert "2019".
- 2 2. On page 19 strike lines 2 through 12 and insert the following new
- 3 subsection:
- 4 "(4) The Professional Landscape Architects Act does not prevent a
- 5 vendor of goods, services, real estate, or materials, including
- 6 nurserypersons, landscape nurserypersons, gardeners, landscape gardeners,
- 7 landscape designers, general contractors registered under the Contractor
- 8 Registration Act, landscape contractors, land developers, golf course
- 9 architects, or golf course designers from providing drawings or graphic
- 10 diagrams that are necessary for the proper layout or development of the
- 11 vendor's goods, services, real estate, or materials for public or private
- 12 land or arranging for the installation of the goods or materials. The
- 13 Professional Landscape Architects Act also does not prevent a landscape
- 14 designer or any person or firm registered under the Contractor
- 15 Registration Act from engaging in, for a fee, the design of spaces
- 16 utilizing plant materials and ancillary paving and building materials or
- 17 arranging for or engaging in the installation of the materials.".

LEGISLATIVE BILL 682. Placed on General File with amendment.
AM2321

- 1 1. On page 3, line 8, after the period insert "This subdivision does
- 2 not apply to a lease of residential rental property in which a spouse of
- 3 a servicemember is a tenant in such residential rental property and
- 4 government-owned or leased housing is not available to such spouse.".
- 5 2. On page 4, after line 4 insert the following new subsection:
- 6 "(8) In the case of a lease described in subdivision (2)(f) of this
- 7 section that provides for monthly payment of rent, termination of the
- 8 lease is effective thirty days after the first date on which the next
- 9 rental payment is due and payable after the date on which the notice of
- 10 termination under subsection (3) of this section is delivered. In the
- 11 case of any other lease described in subdivision (2)(f) of this section,
- 12 termination of the lease is effective on the last day of the month
- 13 following the month in which the notice of termination is delivered.".

LEGISLATIVE BILL 825. Placed on General File with amendment.
AM2287

- 1 1. Strike original section 1.
- 2 2. On page 6, lines 15 through 17, reinstate the stricken matter; in
- 3 line 19 strike "(3)" and insert "(4)"; in line 25 strike "(4)", show as
- 4 stricken, and insert "(5)"; in line 28 strike "(5)", show as stricken,

- 5 and insert "(6)"; and in line 31 strike "(6)", show as stricken, and
 6 insert "(7)".
 7 3. On page 7, line 4, strike "(7)", show as stricken, and insert
 8 "(8)".
 9 4. Renumber the remaining sections and correct the repealer
 10 accordingly.

LEGISLATIVE BILL 929. Placed on General File with amendment.
 AM2350

- 1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. The rights of a member of the Nebraska National Guard in
 4 the State of Nebraska shall include, but not be limited to, the right to:
 5 (1) Seek employment with state, county, and local government;
 6 (2) Not have membership in the Nebraska National Guard impact such
 7 member's right to donate to political parties when not on duty status;
 8 (3) Participate with state, county, or local government in a law
 9 enforcement function as prescribed by that government;
 10 (4) Receive the same protections a law enforcement officer is
 11 afforded under section 23-3211 if the member is acting as a law
 12 enforcement officer pursuant to subdivision (3) of this section; and
 13 (5) Protection of such member's personal information as afforded
 14 personnel of public bodies pursuant to subdivision (7) of section
 15 84-712.05.
 16 Sec. 2. Section 23-3211, Revised Statutes Supplement, 2017, is
 17 amended to read:
 18 23-3211 Unless requested in writing, the county assessor and
 19 register of deeds shall withhold from the public the residential address
 20 of a law enforcement officer or member of the Nebraska National Guard
 21 acting pursuant to subdivision (3) of section 1 of this act who applies
 22 to the county assessor in the county of his or her residence. The
 23 application shall be in a form prescribed by the county assessor and
 24 shall include the applicant's name and ; address; and ~~certified law~~
 25 ~~enforcement identification number of the law enforcement officer and the~~
 26 parcel identification number for his or her residential address. A law
 27 enforcement officer shall include his or her law enforcement
 1 identification number in the application. A member of the Nebraska
 2 National Guard shall include in the application proof of his or her
 3 status as a member as prescribed by the county assessor. The county
 4 assessor shall notify the register of deeds regarding the receipt of a
 5 complete application. The county assessor and the register of deeds shall
 6 withhold the address of a law enforcement officer or member of the
 7 Nebraska National Guard who complies with this section for five years
 8 after receipt of a complete application. The ~~law enforcement~~ officer or
 9 member may renew his or her application every five years upon submission
 10 of an updated application.
 11 Sec. 3. Original section 23-3211, Revised Statutes Supplement,
 12 2017, is repealed.

LEGISLATIVE BILL 1037. Placed on General File with amendment.
AM1974

1 1. On page 3, line 12, strike "Abstain", show as stricken, and
2 insert "Except as otherwise provided in subsection (3) of this section,
3 abstain"; strike lines 16 through 26 and insert the following new
4 subsection:
5 "(3)(a) This section does not prevent a person holding an elective
6 office of any city, village, or school district from making or
7 participating in the making of a governmental decision:
8 (i) To the extent that the individual's participation is legally
9 required for the action or decision to be made; or
10 (ii) If the potential conflict of interest is based on a business
11 association and (A) such business association is an association of cities
12 and villages or school districts, (B) the city, village, or school
13 district is a member of such association, and (C) the business
14 association exists only as the result of such person holding elective
15 office.
16 (b) A person subject to subsection (1) of this section who is acting
17 pursuant to this subsection shall report the occurrence as provided in
18 subdivisions (1)(a)(i) and (ii) of this section.
19 (c) A person subject to subsection (2) of this section who is acting
20 pursuant to this subsection shall report the occurrence as provided in
21 subdivisions (2)(a)(i) and (ii) of this section."; and in line 27 strike
22 "(3)", show as stricken, and insert "(4)".

(Signed) John Murante, Chairperson

Business and Labor

LEGISLATIVE BILL 950. Placed on General File with amendment.
AM2359

1 1. On page 2, after line 16, insert the following new paragraph:
2 "\$112,500 for Tort Claim Number 2015-14391, against the State of
3 Nebraska, pay to Domina Law Trust for the Estate of Elaine Schmid, Domina
4 Law, 2425 South 144th Street, Omaha, NE 68144, out of the Roads
5 Operations Cash Fund."; and in lines 23 and 25 strike "\$1,150,000.00" and
6 insert "\$1,262,500.00".
7 2. On page 4, after line 2, insert the following new paragraph:
8 "\$272,213.00 for a workers' compensation claim, pay to Edward
9 Rinehart, 704 Westridge Parkway, McCook, NE 69001, out of the Workers'
10 Compensation Claims Revolving Fund." and in lines 10 and 11 strike
11 "\$306,250.00"; and insert "\$578,463.00".

LEGISLATIVE BILL 1096. Placed on General File with amendment.
AM1679

1 1. On page 4, line 5, strike "officer" and insert "the Risk
2 Manager".

(Signed) Joni Albrecht, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Monday, March 19, 2018 9:00 a.m.

Nebraska Dental Medicaid Briefing Note: Invited Testimony Only
 Nebraska Dental Medicaid Hearing Note: Open for Public Comments
 Heritage Health Quarterly Briefing Note: Invited Testimony Only
 Heritage Health Quarterly Hearing Note: Open for Public Comments

(Signed) Merv Riepe, Chairperson

GENERAL FILE

LEGISLATIVE BILL 589. Committee AM438, found on page 695, First Session, 2017, and considered on pages 396, 438, 483, and in this day's Journal, was renewed.

Pending.

AMENDMENT(S) - Print in Journal

Senator Ebke filed the following amendment to LB299:
 AM2349

(Amendments to Standing Committee amendments, AM1665)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Sections 1 to 16 of this act shall be known and may be
- 4 cited as the Occupational Board Reform Act.
- 5 Sec. 2. For purposes of the Occupational Board Reform Act, the
- 6 definitions in sections 3 to 12 of this act apply.
- 7 Sec. 3. Government certification means a nontransferable
- 8 recognition granted to an individual by an occupational board through a
- 9 voluntary program in which the individual meets personal qualifications
- 10 established by the Legislature. Government certification allows the
- 11 certified individual to use a designated title. An individual who is not
- 12 certified may engage in the lawful occupation but is not allowed to use
- 13 the designated title.
- 14 Sec. 4. Lawful occupation means a course of conduct, a pursuit, or
- 15 a profession that includes the sale of goods or services that are not
- 16 themselves illegal to sell irrespective of whether the individual selling
- 17 them is subject to an occupational regulation.
- 18 Sec. 5. Least restrictive regulation means one of the following
- 19 types of regulation, listed from least restrictive to most restrictive:
- 20 (1) Market competition;
- 21 (2) Third-party or consumer-created ratings and reviews;
- 22 (3) Private certification;

23 (4) Specific private civil cause of action to remedy consumer harm;
24 (5) Deceptive trade practices under the Uniform Deceptive Trade
25 Practices Act;
26 (6) Mandatory disclosure of attributes of the specific goods or
1 services;
2 (7) Regulation of the process of providing the specific goods or
3 services to consumers;
4 (8) Inspection;
5 (9) Bonding or insurance;
6 (10) Registration;
7 (11) Government certification; and
8 (12) Occupational license.
9 Sec. 6. Occupational board means a board, commission, department,
10 or other entity created by state law which regulates providers through
11 occupational regulations.
12 Sec. 7. Occupational license means a nontransferable authorization
13 in law (1) for an individual to perform exclusively a lawful occupation
14 for compensation based on meeting personal qualifications established by
15 the Legislature and (2) which is required in order to legally perform the
16 lawful occupation for compensation.
17 Sec. 8. (1) Occupational regulation means a statute, rule,
18 regulation, practice, policy, or other state law requiring an individual
19 to possess certain personal qualifications or to comply with registration
20 requirements to use an occupational title or work in a lawful occupation.
21 (2) Occupational regulation includes government certification,
22 registration, and occupational licensure.
23 (3) Occupational regulation does not include (a) business licensure,
24 facility licensure, building permit requirements, or zoning and land-use
25 regulation except to the extent that the same state laws that require a
26 business license, a facility license, a building permit, or zoning and
27 land-use regulation also regulate an individual's personal qualifications
28 to perform a lawful occupation or (b) an occupational license
29 administered by the Supreme Court.
30 Sec. 9. Personal qualifications means criteria related to an
31 individual's personal background and characteristics, including
1 completion of an approved educational program, satisfactory performance
2 on an examination, work experience, other evidence of attainment of
3 requisite skills or knowledge, moral standing, criminal history, and
4 completion of continuing education.
5 Sec. 10. Private certification means a nontransferable recognition
6 granted to an individual by a private organization through a voluntary
7 program in which the individual meets personal qualifications established
8 by the private organization.
9 Sec. 11. Provider means an individual provider of goods or services
10 engaged in a lawful occupation.
11 Sec. 12. (1) Registration means a non-transferable registration
12 granted to an individual under which (a) the individual is required to
13 give notice to the government that may include the individual's name and
14 address, the individual's agent for service of process, the location of

15 the activity to be performed, and a description of the service the
16 individual provides, (b) upon receipt of the notice by the government,
17 the individual may use the term registered as a designated title to
18 engage in a lawful occupation, and (c) such notice is required to engage
19 in the lawful occupation for compensation and is required in order to use
20 the term registered as a designated title to engage in the lawful
21 occupation.

22 (2) Registration does not include any requirements to show personal
23 qualifications but may require a bond or insurance.

24 (3) Registration is not transferable.

25 Sec. 13. For purposes of the Occupational Board Reform Act:

26 (1) Government certification and registration are not synonymous
27 with occupational licensure;

28 (2) When the terms certification and certified are used outside of
29 the Occupational Board Reform Act to mean a requirement that an
30 individual meet certain personal qualifications to work legally, those
31 terms in that context shall be interpreted for purposes of the
1 Occupational Board Reform Act as requiring an individual to meet the
2 requirements for an occupational license; and

3 (3) When the terms registration and registered are used outside of
4 the Occupational Board Reform Act to mean a requirement that an
5 individual meet certain personal qualifications to work legally, those
6 terms in that context shall be interpreted for purposes of the
7 Occupational Board Reform Act as requiring an individual to meet the
8 requirements for an occupational license.

9 Sec. 14. (1) Occupational regulations shall be construed and
10 applied to increase economic opportunities, promote competition, and
11 encourage innovation.

12 (2) It is the policy of the State of Nebraska:

13 (a) To protect the fundamental right of an individual to pursue a
14 lawful occupation;

15 (b) To use the least restrictive regulation which is necessary to
16 protect consumers from present, significant, and substantiated harms that
17 clearly threaten or endanger the health, safety, or welfare of the public
18 when competition alone is not sufficient and which is consistent with the
19 public interest;

20 (c) To enforce an occupational regulation against an individual only
21 to the extent that the individual sells goods and services that are
22 included explicitly in the statute that governs the lawful occupation's
23 scope of practice; and

24 (d) To provide ongoing legislative review of occupational
25 regulations and related legislation.

26 Sec. 15. (1) The fundamental right of an individual to pursue an
27 occupation includes the right of an individual with a criminal history to
28 obtain an occupational license, government certification, or state
29 recognition of the individual's personal qualifications.

30 (2)(a) An individual who has a criminal conviction may petition the
31 appropriate occupational board at any time, including prior to obtaining
1 required education or paying any fee, for a determination as to whether

2 the individual's criminal conviction would disqualify the individual from
3 obtaining an occupational license, government certification, or state
4 recognition of the individual's personal qualifications from that
5 occupational board.

6 (b) The individual may include with the petition additional
7 information about the individual's current circumstances, including the
8 time since the offense, completion of the criminal sentence, other
9 evidence of rehabilitation, testimonials, employment history, and
10 employment aspirations.

11 (3) Upon receipt of a petition under subsection (2) of this section
12 and a fee if required under subsection (7) of this section, the
13 appropriate occupational board shall make a determination of whether the
14 individual's criminal conviction would disqualify the individual from
15 obtaining an occupational license, government certification, or state
16 recognition of the individual's personal qualifications from that
17 occupational board.

18 (4) The occupational board shall issue its determination in writing
19 within ninety days after receiving a petition under subsection (2) of
20 this section. The determination shall include findings of fact and
21 conclusions of law. If the occupational board determines that the
22 individual's criminal conviction would disqualify the individual, the
23 occupational board may advise the individual of any action the individual
24 may take to remedy the disqualification. If the occupational board finds
25 that the individual has been convicted of a subsequent felony, the
26 occupational board may rescind a determination upon finding that the
27 subsequent felony conviction would be disqualifying under subsection (3)
28 of this section.

29 (5) The individual may appeal the determination of the occupational
30 board. The appeal shall be in accordance with the Administrative
31 Procedure Act.

1 (6) An individual shall not file another petition under this section
2 with the same occupational board within two years after the final
3 decision on the previous petition, except that if the individual has
4 taken action to remedy the disqualification as advised by the
5 occupational board, the individual may file another petition under this
6 section with the same occupational board six months after the final
7 decision on the previous petition.

8 (7) An occupational board may charge a fee not to exceed one hundred
9 dollars for each petition filed pursuant to this section. The fee is
10 intended to offset the administrative costs incurred under this section.

11 Sec. 16. (1) Beginning in 2019, each standing committee of the
12 Legislature shall annually review and analyze approximately twenty
13 percent of the occupational regulations within the jurisdiction of the
14 committee and prepare and submit an annual report electronically to the
15 Clerk of the Legislature by December 15 of each year as provided in this
16 section. Each committee shall complete this process for all occupational
17 regulations within its jurisdiction within five years and every five
18 years thereafter. Each report shall include the committee's
19 recommendations regarding whether the occupational regulations should be

- 20 terminated, continued, or modified.
- 21 (2) Each committee may require the submission of information by the
22 affected occupational board and other affected or interested parties.
- 23 (3) A committee's report shall include, but not be limited to, the
24 following:
- 25 (a) The title of the regulated occupation and the name of the
26 occupational board responsible for enforcement of the occupational
27 regulations;
- 28 (b) The statutory citation or other authorization for the creation
29 of the occupational regulations and occupational board;
- 30 (c) The number of members of the occupational board and how the
31 members are appointed;
- 1 (d) The qualifications for membership on the occupational board;
- 2 (e) The number of times the occupational board is required to meet
3 during the year and the number of times it actually met;
- 4 (f) Annual budget information for the occupational board for the
5 five most recently completed fiscal years;
- 6 (g) For the immediately preceding five calendar years, or for the
7 period of time less than five years for which the information is
8 practically available, the number of government certifications,
9 occupational licenses, and registrations the occupational board has
10 issued, revoked, denied, or assessed penalties against, listed separately
11 per type of credential, and the reasons for such revocations, denials,
12 and other penalties;
- 13 (h) A review of the basic assumptions underlying the creation of the
14 occupational regulations;
- 15 (i) A statement from the occupational board on the effectiveness of
16 the occupational regulations; and
- 17 (j) A comparison of whether and how other states regulate the
18 occupation.
- 19 (4) Each committee shall also analyze, and include in its report,
20 whether the occupational regulations meet the policies stated in section
21 14 of this act according to the following recommended courses of action
22 for meeting such policies:
- 23 (a) If the need is to protect consumers against fraud, the likely
24 recommendation will be to strengthen powers under the Uniform Deceptive
25 Trade Practices Act or require disclosures that will reduce misleading
26 attributes of the specific goods or services;
- 27 (b) If the need is to protect consumers against unclean facilities
28 or to promote general health and safety, the likely recommendation will
29 be to require periodic inspections of such facilities;
- 30 (c) If the need is to protect consumers against potential damages
31 from failure by providers to complete a contract fully or up to
1 standards, the likely recommendation will be to require that providers be
2 bonded;
- 3 (d) If the need is to protect a person who is not party to a
4 contract between the provider and consumer, the likely recommendation
5 will be to require that the provider have insurance;
- 6 (e) If the need is to protect consumers against potential damages by

7 transient providers, the likely recommendation will be to require that
8 providers register their businesses with the Secretary of State;
9 (f) If the need is to protect consumers against a shortfall or
10 imbalance of knowledge about the goods or services relative to the
11 providers' knowledge, the likely recommendation will be to enact
12 voluntary government certification; and
13 (g) If the need is to address a systematic information shortfall
14 such that a reasonable consumer is unable to distinguish between the
15 quality of providers, there is an absence of institutions that provide
16 guidance to the consumer, and the consumer's inability to distinguish
17 between providers and the lack of guidance allows for present,
18 significant, and substantiated harms, the likely recommendation will be
19 to enact an occupational license.
20 (5) In developing recommendations under this section, the committee
21 shall review any report issued to the Legislature pursuant to the
22 Nebraska Regulation of Health Professions Act, if applicable, and
23 consider any findings or recommendations of such report related to the
24 occupational regulations under review.

25 (6) If the Legislature finds that it is necessary to regulate an
26 occupation or change occupational regulations, the Legislature shall
27 enact the least restrictive regulation consistent with the public
28 interest and the policies in this section and section 14 of this act.
29 Sec. 17. Section 84-901.02, Revised Statutes Cumulative Supplement,
30 2016, is amended to read:

31 84-901.02 The Legislature finds that:

- 1 (1) The regulatory authority given to agencies has a significant
- 2 impact on the people of the state;
- 3 (2) When agencies create substantive standards by which Nebraskans
- 4 are expected to abide, it is essential that those standards be adopted
- 5 through the rules and regulations process to enable the public to be
- 6 aware of the standards and have an opportunity to participate in the
- 7 approval or repeal process; ~~and~~
- 8 (3) Agencies should be encouraged to advise the public of current
- 9 opinions, interpretations, approaches, and likely courses of action by
- 10 means of guidance documents; ~~and~~ -
- 11 (4) Oversight of the regulatory authority over occupations and
- 12 professions given to agencies is required to ensure respect for the
- 13 fundamental right of an individual to pursue an occupation.

14 Sec. 18. Section 84-907.06, Revised Statutes Supplement, 2017, is
15 amended to read:

16 84-907.06 Whenever an agency proposes to adopt, amend, or repeal a
17 rule or regulation, the agency shall (1) at least thirty days before the
18 public hearing, when notice of a proposed rule or regulation is sent out,
19 or (2) at the same time the agency requests approval from the Governor
20 for an emergency rule or regulation under section 84-901.04, ~~the agency~~
21 ~~shall~~ send to the Executive Board of the Legislative Council for purposes
22 of section 84-907.07 if applicable, to the Executive Board of the
23 Legislative Council to be forwarded to the relevant standing committee of
24 the Legislature for purposes of the Occupational Board Reform Act if

25 applicable, and to the Secretary of State to be made available to the
 26 public by means which include, but are not limited to, publication on the
 27 Secretary of State's web site, if applicable, the following information:
 28 A (a) a copy of the hearing notice required by section 84-907.1; (b) a
 29 draft copy of the rule or regulation; and (c) the information provided
 30 to the Governor pursuant to section 84-907.09.
 31 Sec. 19. Section 84-910, Reissue Revised Statutes of Nebraska, is
 1 amended to read:
 2 84-910 On or before July 1 of each year, each agency shall notify
 3 the Legislative Performance Audit Committee and the Executive Board of
 4 the Legislative Council for purposes of the Occupational Board Reform
 5 Act, if applicable, of the status of all rules and regulations pending
 6 before the agency which have not been adopted and promulgated. If the
 7 executive board receives a notification pursuant to this section, the
 8 executive board shall forward the notification to the standing committee
 9 of the Legislature with jurisdiction over the rules and regulations. If
 10 an additional appropriation was made with respect to legislation enacted
 11 to provide funding for or additional staff to implement a program for
 12 which rules and regulations are required to be adopted, the notification
 13 shall include what the funding has been used for and what functions the
 14 staff have been performing while such rules and regulations are pending.
 15 The format of the notification shall be established by the Legislative
 16 Performance Audit Committee committee no later than June 1, 2011, and
 17 shall be updated periodically thereafter.
 18 Sec. 20. Section 84-920, Revised Statutes Cumulative Supplement,
 19 2016, is amended to read:
 20 84-920 Sections 84-901 to 84-920 and the Occupational Board Reform
 21 Act shall be known and may be cited as the Administrative Procedure Act.
 22 Sec. 21. This act becomes operative on January 1, 2019.
 23 Sec. 22. Original section 84-910, Reissue Revised Statutes of
 24 Nebraska, sections 84-901.02 and 84-920, Revised Statutes Cumulative
 25 Supplement, 2016, and section 84-907.06, Revised Statutes Supplement,
 26 2017, are repealed.

Senator Chambers filed the following amendment to LB873:
 AM2370

(Amendments to Standing Committee amendments, AM2065)

1 1. Insert the following new section:
 2 Sec. 342. Section 90-106, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 90-106 The official slogan and official symbol, either separately or
 5 in conjunction with each other, shall be used by all agencies of the
 6 state whenever appropriate in the promotion of the state. ~~They shall be~~
 7 ~~imprinted on all state letterheads and the reverse side of all mailing~~
 8 ~~envelopes as new supplies are acquired.~~
 9 2. Renumber the remaining sections and correct the repealer and
 10 internal references accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 344. Introduced by Linehan, 39.

WHEREAS, the Douglas County West Community Schools Robotics Team, Fuzzy Wuzzy 2.0, has achieved international recognition by winning the 2017 World Robot Conference Championship in Beijing; and

WHEREAS, Coach Dan Maline and team members Troy Ogden, Jay Goldapp, Dillon Saathoff, and Avery Hoffman endeavored to achieve a long-held goal to compete in an international competition; and

WHEREAS, Team Fuzzy Wuzzy 2.0 competed against 46 teams from across the globe; and

WHEREAS, all of the members of Team Fuzzy Wuzzy 2.0 worked together to succeed in their goals, leaving the competition not only as the best team in the United States, but as the best overall; and

WHEREAS, their fellow students and community have recognized and rallied around these students to honor their achievement; and

WHEREAS, the Legislature recognizes the accomplishments of Team Fuzzy Wuzzy 2.0 and the success they have brought their country, state, community, and school.

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

1. That the Legislature congratulates the Douglas County West Community Schools Robotics Team, Team Fuzzy Wuzzy 2.0, on their victory in the 2017 World Robot Conference Championship.

2. That copies of this resolution be sent to the Douglas County West Community Schools Robotics Team, Coach Dan Maline, and Team Fuzzy Wuzzy 2.0 members Troy Ogden, Jay Goldapp, Dillon Saathoff, and Avery Hoffman.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 589. Senator Chambers offered the following motion:

MO252

Recommit to the Judiciary Committee.

SPEAKER SCHEER PRESIDING

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

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

Voting in the affirmative, 12:

Albrecht	Krist	Pansing Brooks	Vargas
Brasch	Linehan	Schumacher	Wayne
Erdman	Lowe	Thibodeau	Williams

Voting in the negative, 25:

Baker	Clements	Halloran	Kolterman	Scheer
Blood	Crawford	Hansen	Lindstrom	Smith
Bostelman	Ebke	Hilgers	McDonnell	Walz
Brewer	Geist	Hilkemann	Quick	Watermeier
Briese	Groene	Kolowski	Riepe	Wishart

Present and not voting, 3:

Chambers	Harr	McCollister
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Excused and not voting, 9:

Bolz	Howard	Kuehn	Morfeld	Stinner
Friesen	Hughes	Larson	Murante	

The Chambers motion to recommit to committee failed with 12 ayes, 25 nays, 3 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO253

Reconsider the vote taken to recommit to committee.

Pending.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 1011. Placed on General File.

(Signed) Curt Friesen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 345. Introduced by Linehan, 39; Hilkemann, 4; Kolowski, 31.

WHEREAS, the Elkhorn High School Antlers won the 2018 Class B Girls' State Basketball Championship by defeating South Sioux City 67-60; and

WHEREAS, the Elkhorn Antlers defeated York 42-30 in the first-round game at state and Elkhorn South in the semi-finals 51-40; and

WHEREAS, standout senior Brooke "the Bear" Carlson scored twenty-seven points in the championship game, with ten rebounds and nine of ten free throws, leading the Antlers to victory; and

WHEREAS, the Antlers made sixteen consecutive free throws, ending the game with twenty-seven made free throws out of thirty-three attempts; and

WHEREAS, this is the first girls' basketball state title for the Elkhorn Antlers since 1985; and

WHEREAS, the Elkhorn Antlers, their supporters, and even opposing teams and their supporters wore purple throughout the Class B championship games in support of Antlers Assistant Coach Ben Meyer and his wife, Lisa, who suffered the loss of their premature daughter, Logan, on February 24, 2018; 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 Elkhorn High School Antlers on winning the 2018 Class B Girls' State Basketball Championship.

2. That a copy of this resolution be sent to the Elkhorn High School girls' basketball team, Head Coach Jennifer Wragge, Assistant Coaches Ben Meyer and Jeanne Houchin, Freshman Coach Hanna Blum, Volunteer Coaches Gene Kruger and Paige Eicher, and Athletic Trainer Whitney Vessar.

Laid over.

VISITORS

Visitors to the Chamber were 35 high school students from Elwood; Mallory Harper from Omaha, Eric Harper from Tennessee, and Timothy Hankins from Tennessee; Senator Kolowski's wife, Bonnie, from Omaha, and grandson and granddaughter, Owen and Gwen, from Loveland, CO; and Rikki and Ezekiel Moore from Eagle.

The Doctor of the Day was Dr. Blake Cover from Omaha.

ADJOURNMENT

At 5:30 p.m., on a motion by Senator Lindstrom, the Legislature adjourned until 9:00 a.m., Tuesday, March 13, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SECOND DAY - MARCH 13, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 13, 2018

PRAYER

The prayer was offered by Pastor Tom Starkjohn, Louisville Evangelical Free Church, Louisville.

ROLL CALL

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

The roll was called and all members were present except Senators Groene, Hansen, Kolterman, Krist, Larson, Linehan, Thibodeau, Watermeier, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 335, 336, 337, and 338 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 335, 336, 337, and 338.

GENERAL FILE

LEGISLATIVE BILL 946. Title read. Considered.

Committee AM1701, found on page 893, was offered.

Senator Chambers withdrew his amendment, AM2368, found on page 919.

Senator Chambers offered the following motion:

MO254

Bracket until April 18, 2018.

Senator Chambers moved for a call of the house. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

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

Voting in the affirmative, 2:

Erdman Wayne

Voting in the negative, 41:

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

Present and not voting, 3:

Chambers Krist Pansing Brooks

Excused and not voting, 3:

Larson Lindstrom McDonnell

The Chambers motion to bracket failed with 2 ayes, 41 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO255

Reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 9 ayes, 3 nays, and 37 not voting.

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

Voting in the affirmative, 3:

Chambers Erdman Wayne

Voting in the negative, 42:

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

Present and not voting, 2:

Krist Schumacher

Excused and not voting, 2:

Scheer Watermeier

The Chambers motion to reconsider failed with 3 ayes, 42 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers requested a roll call vote on the committee amendment.

The committee amendment was adopted with 37 ayes, 9 nays, 2 present and not voting, and 1 excused and not voting.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 346. Introduced by McDonnell, 5.

WHEREAS, on March 15, 2002, the Honorable Timmy Conway, as Lord Mayor of Naas, County Kildare, Ireland, oversaw the successful twinning of Naas and Omaha as sister cities in partnership with Omaha Mayor Mike Fahey; and

WHEREAS, in 2018, the Honorable Timmy Conway has returned to Nebraska, with his grandson Tadhg, to celebrate the success of the Omaha-Naas sister city relationship with his many friends in Nebraska; and

WHEREAS, the Honorable Timmy Conway has served with distinction as a seanadóir (senator) in the Seanad Éireann (Senate of Ireland); and

WHEREAS, the Honorable Timmy Conway has also served with distinction as Chair of the Kildare County Council; and

WHEREAS, the Honorable Timmy Conway has served as a gracious host to countless Nebraskans travelling to Naas, including several members of the Nebraska Unicameral Legislature; and

WHEREAS, the Honorable Timmy Conway has facilitated numerous official tours, cultural conferences, and trade missions with a wide array of Nebraska groups, governmental subdivisions, educational institutions, and businesses; and

WHEREAS, the Honorable Timmy Conway has been awarded the Key to the City of Omaha, honorary Nebraska citizenship, and numerous other honors in recognition of his tireless work to foster close, friendly, and productive personal, professional, and governmental ties between Ireland and Nebraska.

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

1. That the Legislature welcomes Nebraska's adopted son, the Honorable Timmy Conway, back to our great state.
2. That the Legislature recognizes Saturday, March 17, 2018, as Timmy Conway Day in the State of Nebraska.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to LB993:
AM2385

(Amendments to Standing Committee amendments, AM1908)

- 1 1. On page 10, strike beginning with "pursuant" in line 30 through
2 line 31.
- 3 2. On page 11, line 1, strike "regulation".

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 694. Placed on General File.

LEGISLATIVE BILL 749. Placed on General File.

LEGISLATIVE BILL 786. Placed on General File.

(Signed) John Murante, Chairperson

GENERAL FILE

LEGISLATIVE BILL 946. Senator Chambers offered the following motion:

MO257

Indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 8 nays, and 29 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 43:

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

Present and not voting, 3:

Chambers Erdman Krist

Absent and not voting, 1:

Riepe

Excused and not voting, 2:

Larson Watermeier

The Chambers motion to indefinitely postpone failed with 0 ayes, 43 nays, 3 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO258

Reconsider the vote taken to indefinitely postpone.

Senator Scheer moved for a call of the house. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

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

Voting in the affirmative, 16:

Baker	Ebke	Howard	Murante
Brasch	Erdman	Kolowski	Pansing Brooks
Chambers	Harr	Lindstrom	Riepe
Crawford	Hilkemann	McCollister	Schumacher

Voting in the negative, 30:

Albrecht	Clements	Hilgers	McDonnell	Vargas
Blood	Friesen	Hughes	Morfeld	Walz
Bolz	Geist	Kolterman	Quick	Watermeier
Bostelman	Groene	Kuehn	Scheer	Wayne
Brewer	Halloran	Linehan	Stinner	Williams
Briese	Hansen	Lowe	Thibodeau	Wishart

Present and not voting, 1:

Krist

Absent and not voting, 1:

Smith

Excused and not voting, 1:

Larson

The Chambers motion to reconsider failed with 16 ayes, 30 nays, 1 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 34 ayes, 9 nays, 5 present and not voting, and 1 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 347. Introduced by Brasch, 16; Albrecht, 17; Baker, 30; Bolz, 29; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2; Crawford, 45; Ebke, 32; Erdman, 47; Friesen, 34; Geist, 25; Groene, 42; Halloran, 33; Hansen, 26; Harr, 8; Hilgers, 21; Hilkemann, 4; Howard, 9; Hughes, 44; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Quick, 35; Riepe, 12; Scheer, 19; Schumacher, 22; Smith, 14; Stinner, 48; Thibodeau, 6; Vargas, 7; Walz, 15; Watermeier, 1; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Charles (Charley) Thone was elected to represent the 1st District of Nebraska in the United States House of Representatives in 1970,

and after serving four terms in the House, he was elected Governor of Nebraska in 1978; and

WHEREAS, Charley Thone grew up on a farm near Hartington, served in the U.S. Army during World War II, and graduated from the University of Nebraska College of Law in 1950; and

WHEREAS, Charley Thone began his career as a Deputy Secretary of State, moving on to become an Assistant Attorney General and Assistant United States Attorney, and then went to work in the office of U.S. Senator Roman Hruska before taking on the role of chairman of the Nebraska Republican Party; and

WHEREAS, in addition to championing the interests of farmers and ranchers, Congressman Thone participated in the House Select Committee on Assassinations, where he helped to investigate the assassination of President John F. Kennedy, and was described by CBS News anchor Walter Cronkite as "the conscience of the committee" for insisting on open meetings; and

WHEREAS, while a national recession dominated his time in office, Governor Thone remained focused on education, agricultural marketing, and economic development; and

WHEREAS, Charley Thone embraced private life at the end of his service as Governor, practicing law in Lincoln and engaging in the life of his community. As a private citizen, he gained bipartisan support for establishing the Nebraska Court of Appeals and pushed to have state lottery funds redirected to the Nebraska State Fair; and

WHEREAS, Charley Thone met Ruth (Ruthie) Raymond during an interview while she was the editor of the University of Nebraska's student newspaper in 1952. They were married on August 16, 1953, and had three daughters; and

WHEREAS, Charley Thone passed away on Wednesday, March 7, 2018, at the age of 94.

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

1. That the Legislature honors Charley Thone for his service to his state and to his country.
2. That the Legislature extends deep sympathy to former First Lady Ruth Thone and the family of Charley Thone.
3. That a copy of this resolution be sent to the family of Charley Thone.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB776:

AM2373

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 47-101, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 47-101 The Jail Standards Board shall, each January, and at such
6 other time or times from time to time as it may deem necessary,
7 prescribe, in writing, rules for the regulation and government of the
8 jails upon the following subjects: (1) The cleanliness of the jail and
9 prisoners; (2) the classification of prisoners in regard to sex, age, and
10 crime, and also persons with physical or mental disabilities; (3) beds,
11 ~~and~~ clothing, and diet; (4) warming, lighting, and ventilation of the
12 jail; (5) the employment of medical and surgical aid when necessary; (6)
13 employment, temperance, and instruction of the prisoners; (7) the
14 supplying of each prisoner with a Bible or other written religious
15 material; (8) the intercourse between prisoners and their counsel and
16 other persons including access to telephones or videoconferencing as
17 required in section 2 of this act; (9) the discipline of prisoners for
18 violation of the rules of the jail; and (10) such other matters as the
19 board may deem necessary to promote the welfare of the prisoners.

20 Sec. 2. (1) Each county jail shall make available either a prepaid
21 telephone call system or collect telephone call system, or a combination
22 thereof, for telephone services for inmates. Under either system, the
23 provision of inmate telephone services shall be subject to the
24 requirements of this section.

25 (2) Under a prepaid system, funds may be deposited into an inmate
26 account in order to pay for telephone calls. The provider of the inmate
27 telephone services, as an additional means of payment, shall permit the
1 recipient of inmate collect telephone calls to establish an account with
2 that provider in order to deposit funds for advance payment of those
3 collect telephone calls. The provider of the inmate telephone services
4 shall also allow inmates to communicate on the telephone, or by
5 videoconferencing, with an attorney or attorneys without charge and
6 without monitoring or recording by the county jail or law enforcement.

7 (3) A county operating a county jail may receive revenue for the
8 reasonable operating costs for establishing and administering such
9 telephone services system or videoconferencing system. In determining the
10 amount of such reasonable operating costs, the Jail Standards Board may
11 consider for comparative purposes the rates for inmate calling services
12 provided in 47 C.F.R. part 64. A county operating a county jail may also
13 receive a reasonable commission or bonus payment for contracting with an
14 entity that provides such service.

15 (4) Nothing in this section shall require a county jail to provide
16 or administer a prepaid telephone call system.

17 (5) For the purposes of this section, collect telephone call system
18 means a system pursuant to which recipients are billed for the cost of an
19 accepted telephone call initiated by an inmate.

20 Sec. 3. The Jail Standards Board shall ensure that county jails are
21 providing inmates with means to communicate by telephone or
22 videoconferencing with inmates' families, loved ones, and counsel.

23 Sec. 4. Section 47-108, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 47-108 It shall be the duty of the district court in its charge to
26 the grand jury to inform the jury of the provisions of sections 47-101 to

27 47-116 and sections 2 and 3 of this act and all rules, plans, or
28 regulations established by the Jail Standards Board relating to county
29 jails and prison discipline.

30 Sec. 5. Section 47-109, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 47-109 The grand jury of each county in this state may, while in
2 attendance, visit the jail, examine its state and condition, and examine
3 and inquire into the discipline and treatment of prisoners, their habits,
4 diet, and accommodations. If the grand jury visits a jail, it shall be
5 its duty to report to the court in writing, whether the rules of the Jail
6 Standards Board have been faithfully kept and observed, or whether any of
7 the provisions of sections 47-101 to 47-116 and sections 2 and 3 of this
8 act, have been violated, pointing out particularly in what the violation,
9 if any, consists. It shall also be the duty of the county board of each
10 county of this state to visit the jail of its county once during each of
11 its sessions in January, April, July, and October of each year.

12 Sec. 6. Section 47-116, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 47-116 If the sheriff or jailer, having charge of any county jail,
15 shall neglect or refuse to conform to all or any of the rules and
16 regulations established by the Jail Standards Board, or to perform any
17 other duty required of him or her by sections 47-101 to 47-116 and
18 sections 2 and 3 of this act, he or she shall, upon conviction thereof
19 for each case of such failure or neglect of duty, pay into the county
20 treasury of the proper county for the use of such county a fine of not
21 less than five dollars nor more than one hundred dollars, to be assessed
22 by the district court of the proper district.

23 Sec. 7. Section 47-201, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 47-201 The Jail Standards Board shall, ~~each in the month of January~~
26 ~~of each year~~, and at such other time or times as it may deem necessary,
27 prescribe written rules for the regulation and government of the
28 municipal jails upon the subjects of (1) the cleanliness of the jail and
29 prisoners, (2) the classification of prisoners in regard to sex, age,
30 crime, and also persons with physical or mental disabilities ~~mental~~
31 ~~infirmity~~, (3) beds, clothing, and diet, (4) warming, lighting, and
1 ventilation ~~ventilating~~ of the jail, (5) the employment of medical and
2 surgical aid, (6) the employment, temperance, and instruction of the
3 prisoners, (7) the intercourse between prisoners and their attorneys and
4 other persons, including access to telephones or videoconferencing as
5 required by section 8 of this act, (8) the discipline of prisoners, (9)
6 the keeping of records of the jail, and (10) any other matters concerning
7 jails and their government as the board may deem necessary.

8 Sec. 8. (1) Each city jail shall make available either a prepaid
9 telephone call system or collect telephone call system, or a combination
10 thereof, for telephone services for inmates. Under either system, the
11 provision of inmate telephone services shall be subject to the
12 requirements of this section.

13 (2) Under a prepaid system, funds may be deposited into an inmate

14 account in order to pay for telephone calls. The provider of the inmate
 15 telephone services, as an additional means of payment, shall permit the
 16 recipient of inmate collect telephone calls to establish an account with
 17 that provider in order to deposit funds for advance payment of those
 18 collect telephone calls. The provider of the inmate telephone services
 19 shall also allow inmates to communicate on the telephone, or by
 20 videoconferencing, with an attorney or attorneys without charge and
 21 without monitoring or recording by the city jail or law enforcement.
 22 (3) A city operating a city jail may receive revenue for the
 23 reasonable operating costs for establishing and administering such
 24 telephone services system or videoconferencing system. In determining the
 25 amount of such reasonable operating costs, the Jail Standards Board may
 26 consider for comparative purposes the rates for inmate calling services
 27 provided in 47 C.F.R. part 64. A city operating a city jail may also
 28 receive a reasonable commission or bonus payment for contracting with an
 29 entity that provides such service.
 30 (4) Nothing in this section shall require a city jail to provide or
 31 administer a prepaid telephone call system.
 1 (5) For the purposes of this section, collect telephone call system
 2 means a system pursuant to which recipients are billed for the cost of an
 3 accepted telephone call initiated by an inmate.
 4 Sec. 9. The Jail Standards Board shall ensure that city jails are
 5 providing inmates with means to communicate by telephone or
 6 videoconferencing with inmates' families, loved ones, and counsel.
 7 Sec. 10. Section 47-206, Reissue Revised Statutes of Nebraska, is
 8 amended to read:
 9 47-206 The officer in charge of any municipal prison or jail who
 10 fails to comply with the provisions of sections 47-201 to 47-205 and
 11 sections 8 and 9 of this act or the rules prescribed by the Jail
 12 Standards Board shall be guilty of a Class V misdemeanor.
 13 Sec. 11. Original sections 47-101, 47-108, 47-109, 47-116, 47-201,
 14 and 47-206, Reissue Revised Statutes of Nebraska, are repealed.

VISITORS

Visitors to the Chamber were County Councilman, Lennie Meyn, from Wolfenbuettel, Germany; members of Girl Scouts Spirit of Nebraska from Lincoln, Omaha, Fremont, and Kearney; 19 high school students from Madison; 50 fourth-grade students from Cottonwood Elementary, Millard; and John Hawkins from Gretna.

RECESS

At 11:53 a.m., on a motion by Senator Ebke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Groene, Krist, Morfeld, Pansing Brooks, and Watermeier who were excused until they arrive.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 1030. Placed on General File.

(Signed) Jim Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 945. Title read. Considered.

Committee AM1700, found on page 895, was offered.

Senator Stinner offered the Krist amendment, AM2288, found on page 912, to the committee amendment.

Senator Krist moved for a call of the house. The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

Senator Krist requested a record vote on his amendment.

Voting in the affirmative, 25:

Albrecht	Crawford	Hilkemann	McCollister	Thibodeau
Baker	Ebke	Howard	McDonnell	Vargas
Bolz	Halloran	Kolowski	Pansing Brooks	Walz
Briese	Hansen	Kolterman	Quick	Williams
Chambers	Harr	Krist	Stinner	Wishart

Voting in the negative, 13:

Blood	Clements	Hughes	Lowe	Smith
Bostelman	Groene	Kuehn	Murante	
Brewer	Hilgers	Larson	Riepe	

Present and not voting, 9:

Erdman	Geist	Linehan	Scheer	Wayne
Friesen	Lindstrom	Morfeld	Schumacher	

Excused and not voting, 2:

Brasch	Watermeier
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The Krist amendment was adopted with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The committee amendment, as amended, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 8 nays, 4 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1090A. Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1090, One Hundred Fifth Legislature, Second Session, 2018.

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB702:
AM2244

(Amendments to Standing Committee amendments, AM1887)

- 1 1. On page 5, line 14, after "notice" insert "by first class mail";
- 2 and in line 16 after the period insert "Such notice shall be sent to the
- 3 incarcerated parent at the address of the facility at which the parent is
- 4 incarcerated.".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 348. Introduced by Harr, 8; Hilgers, 21; Krist, 10; McDonnell, 5; Scheer, 19; Thibodeau, 6.

WHEREAS, the Omaha Creighton Prep High School basketball team won the 2018 Class A Boys' State Basketball Championship; and

WHEREAS, the win gave the Creighton Prep Junior Jays their second state championship in four years and their thirteenth title overall; and

WHEREAS, the Junior Jays finished the season with twenty-six wins and only one loss; and

WHEREAS, Coach Josh Luedtke, Class of 1990, did a tremendous job of guiding the team during the season and earned his third championship title as a coach; 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 Omaha Creighton Prep High School basketball team on winning the 2018 Class A Boys' State Basketball Championship.

2. That copies of this resolution be sent to the Omaha Creighton Prep High School basketball team and to Coach Josh Luedtke.

Laid over.

COMMITTEE REPORT(S)
Education

LEGISLATIVE BILL 1052. Placed on General File.

LEGISLATIVE BILL 1110. Placed on General File.

LEGISLATIVE BILL 778. Placed on General File with amendment.
AM2098

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

2 sections:

3 Section 1. Section 79-1082, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 79-1082 The aggregate school tax for a Class V school district,
6 including the levy for the site and building fund as authorized by
7 section ~~79-10,120~~ 79-10,126, shall be subject to the limits provided in
8 section 77-3442.

9 Sec. 2. Section 79-1098, Reissue Revised Statutes of Nebraska, is

10 amended to read:

11 79-1098 Except as otherwise provided in sections 10-701 to
12 10-716.01 for the issuance of bonds, whenever the annual levy authorized
13 pursuant to section 79-10,120 ~~Whenever it is deemed insufficient for the~~
14 ~~purposes authorized in such section, necessary (1) to erect a schoolhouse~~
15 ~~or school building or an addition or additions and improvements to any~~
16 ~~existing schoolhouse or (2) to purchase equipment for such schoolhouse or~~
17 ~~school buildings, in any school district in this state except a Class I~~
18 ~~district the school board or board of education of a Class II, III, IV,~~
19 ~~V, or VI school district may and, upon petition of not less than one-~~
20 ~~fourth of the legal voters of the school district, shall submit to the~~
21 ~~people of the school district at the next general election, or at a~~
22 ~~special election held for such purpose, a proposition to vote on a~~
23 ~~special annual tax. Such annual tax, when combined with any annual tax~~
24 ~~imposed pursuant to section 79-10,120, shall for that purpose of not to~~
25 ~~exceed fourteen seventeen and five tenths cents on each one hundred~~
26 ~~dollars of upon the taxable value and shall not exceed of all the taxable~~
27 ~~property in such district for a term of not to exceed ten years. Such~~
1 ~~special tax may be voted at any annual or special meeting of the district~~
2 ~~by fifty five percent of the legal voters attending such meeting.~~

3 Sec. 3. Section 79-10,100, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 79-10,100 The school board or board of education, upon being

6 satisfied that all the requirements of ~~section sections~~ 79-1098 and
 7 ~~79-1099~~ have been substantially complied with and that a majority ~~fifty-~~
 8 ~~five percent~~ of all votes cast at the election under such section
 9 ~~sections~~ are in favor of such tax, shall enter such proposition and all
 10 the proceedings had thereon upon the records of the school district and
 11 shall certify the special tax levy to the county clerk in the same manner
 12 as other tax levies.

13 Sec. 4. Section 79-10,101, Reissue Revised Statutes of Nebraska, is
 14 amended to read:

15 79-10,101 The sum levied and collected under section 79-10,100 shall
 16 (1) constitute a special fund for the purposes for which it was voted,
 17 (2) not be used for any other purpose ~~unless otherwise authorized by a~~
 18 ~~fifty five percent majority vote of the legal voters of the school~~
 19 ~~district cast at the election under sections 79-1098 and 79-1099,~~ (3) be
 20 paid over to the county treasurer of the county in which the
 21 administrative office of such school district is located, (4) except as
 22 provided in subsection (4) of section 79-10,120, be kept by the county
 23 treasurer and treasurer of the school district separate and apart from
 24 other district funds, and (5) be subject to withdrawal as provided in
 25 section 79-587 or, for Class V school districts, section 79-584. ~~Any~~
 26 ~~portion of such sum so levied and collected, the expenditure of which is~~
 27 ~~not required to effectuate the purposes for which such sum was voted, may~~
 28 ~~be transferred by the school board, at any regular or special meeting by~~
 29 ~~the vote of a majority of the members attending, to the general fund of~~
 30 ~~the district.~~ All funds received by the district treasurer for such
 31 purpose shall be immediately invested by such treasurer in United States
 1 Government bonds or in such securities in which the state investment
 2 officer may invest the permanent school funds during the accumulation of
 3 such sinking fund.

4 Sec. 5. Section 79-10,120, Revised Statutes Cumulative Supplement,
 5 2016, is amended to read:

6 79-10,120 (1) The school board or board of education of a Class II,
 7 III, IV, V, or VI school district may establish a special fund for
 8 purposes of acquiring sites for school buildings or teacherages,
 9 purchasing existing buildings for use as school buildings or teacherages,
 10 including the sites upon which such buildings are located, major
 11 replacement repairs on existing structures, and the erection, alteration,
 12 equipping, and furnishing of school buildings or teacherages and
 13 additions to school buildings for elementary and high school grades and
 14 for no other purpose. The fund shall be established from the proceeds of
 15 an annual tax levy, to be determined by the board, of not to exceed (a)
 16 fourteen cents for tax years beginning prior to the effective date of
 17 this act or (b) five cents for tax years beginning on or after the
 18 effective date of this act on each one hundred dollars upon the taxable
 19 value of all taxable property in the district which shall be in addition
 20 to any other taxes authorized to be levied for school purposes. Such tax
 21 shall be levied and collected as are other taxes for school purposes.
 22 (2) The school board or board of education of a Class II, III, IV,
 23 V, or VI school district may continue an annual tax established pursuant
 24 to this section prior to the effective date of this act through school
 25 fiscal year 2024-25 for any project commenced prior to the effective date

26 of this act. Any annual tax continued pursuant to this subsection shall
 27 not exceed the rate levied for such project for school fiscal year
 28 2017-18. The proceeds of any such annual tax shall only be used for the
 29 project for which the tax was levied. For purposes of this subsection,
 30 commenced means any action taken by the school board on the record which
 31 commits the board to expend district funds in planning, constructing, or
 1 carrying out the project. Any tax authorized pursuant to this subsection
 2 shall not exceed fourteen cents on each one hundred dollars of taxable
 3 value when combined with all other taxes imposed pursuant to this
 4 section.

5 (3) On or before October 1, 2018, the school board or board of
 6 education of any Class II, III, IV, V, or VI school district that levied
 7 an annual tax pursuant to this section for school fiscal year 2017-18
 8 shall file with the Auditor of Public Accounts a statement describing any
 9 projects for which an annual tax may be continued pursuant to subsection
 10 (2) of this section, the rate levied for school fiscal year 2017-18
 11 attributable to each such project, and the anticipated completion date
 12 for each such project.

13 (4) The proceeds of any annual tax imposed pursuant to this section
 14 shall be kept separate and apart from other school district funds, except
 15 that such proceeds may be combined with amounts levied and collected
 16 under sections 79-1098 to 79-10,101 for the same project.

17 Sec. 6. Section 79-10,126, Revised Statutes Cumulative Supplement,
 18 2016, is amended to read:

19 79-10,126 For school fiscal year 2017-18 and each school fiscal year
 20 thereafter, each Class V school district shall establish (1) for the
 21 general operation of the schools, such fund as will result from an annual
 22 levy of such rate of tax upon the taxable value of all the taxable
 23 property in such school district as the board of education determines to
 24 be necessary for such purpose, (2) funds a fund resulting from ~~an~~ annual
 25 levies amount of tax to be determined by the board of education pursuant
 26 to sections 79-1098 to 79-10,101 and 79-10,120 of not to exceed fourteen
 27 cents on each one hundred dollars upon the taxable value of all the
 28 taxable property in the district for the purpose of acquiring sites of
 29 school buildings and the erection, alteration, equipping, and furnishing
 30 of school buildings and additions to school buildings, which tax levies
 31 levy shall be used for no other purposes, and (3) a further fund

1 resulting from an annual amount of tax to be determined by the board of
 2 education to pay interest on and retiring, funding, or servicing of
 3 bonded indebtedness of the district.
 4 Sec. 7. Original sections 79-1082, 79-1098, 79-10,100, and
 5 79-10,101, Reissue Revised Statutes of Nebraska, and sections 79-10,120
 6 and 79-10,126, Revised Statutes Cumulative Supplement, 2016, are
 7 repealed.

8 Sec. 8. The following section is outright repealed: Section
 9 79-1099, Reissue Revised Statutes of Nebraska.

(Signed) Mike Groene, Chairperson

GENERAL FILE

LEGISLATIVE BILL 944. Title read. Considered.

Committee AM1699, found on page 895, was offered.

Senator Bolz offered her amendment, AM2274, found on page 876, to the committee amendment.

SPEAKER SCHEER PRESIDING**PRESIDENT FOLEY PRESIDING**

Senator Morfeld offered the following motion:

MO259

Bracket until April 18, 2018.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1119. Placed on Select File.

LEGISLATIVE BILL 946. Placed on Select File with amendment.

ER127

1 1. On page 1, lines 2 and 3, strike "for a transfer" and insert ",
2 change, and eliminate transfer provisions".

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 909. Placed on General File with amendment.

AM2284 is available in the Bill Room.

(Signed) Curt Friesen, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 349. Introduced by Vargas, 7.

WHEREAS, Cesar Chavez was born on March 31, 1927, on a family farm near Yuma, Arizona; and

WHEREAS, after losing the farm during the Great Depression, Cesar Chavez became a migrant farm worker at the age of 10 in California, and was forced to leave school to help support his family; and

WHEREAS, Cesar Chavez served our nation in the United States Navy before returning to California, where he married Helen Fabela and raised eight children; and

WHEREAS, in 1949, Cesar Chavez began advocating for civil rights and labor rights for farm workers in Delano, California, campaigning for fair wages, better working and living conditions, and fighting against the use of child labor; and

WHEREAS, in 1952, he joined the Community Service Organization, becoming the national director in 1958, where he began his campaign for workers' rights by encouraging the Latinx community to register and exercise their right to vote; and

WHEREAS, in 1962, Cesar Chavez co-founded the National Farm Workers Association with Dolores Huerta, which later expanded nationally to become the United Farm Workers of America; and

WHEREAS, Cesar Chavez was a leader of non-violent protests, boycotts, and strikes that rallied millions to "La Causa," including a five-year grape-pickers' strike that, in 1970, was successful in gaining fair wages for thousands of workers; and

WHEREAS, the work of Cesar Chavez's national and international campaigns led to the abolishment of the Bracero Program, which resulted in higher wages and improved safety, health, and other working conditions for farm workers, brought attention to discrimination faced by farm workers, and established collective bargaining agreements that covered an estimated 80,000 farm workers across the nation; and

WHEREAS, Cesar Chavez held fasts as a peaceful tactic to continue to bring attention to the plight of farm workers in the United States; and

WHEREAS, Cesar Chavez passed away on April 23, 1993, at the age of 66 in Arizona and more than 50,000 people attended his funeral at the United Farm Workers of America headquarters in Keene, California; and

WHEREAS, on August 8, 1994, Cesar Chavez was posthumously awarded the Presidential Medal of Freedom by President Bill Clinton, and portraits and artwork depicting Chavez now hang in the National Portrait Gallery in Washington, D.C.; and

WHEREAS, the legacy of Cesar Chavez lives on in the mission of the United Farm Workers of America, the continued work and advocacy of his descendants, and the millions of people around the world who continue his peaceful calls for a more just and equal society and are inspired by his leadership to work for improvements in workers' rights, human rights, and civil rights worldwide.

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

1. That the Nebraska Legislature joins numerous states and communities by designating March 31, 2018, as Cesar Chavez Day in Nebraska.

2. That the Nebraska Legislature recognizes the accomplishments and service of farm workers in Nebraska and across the country.

3. That the Nebraska Legislature encourages Nebraskans to participate in community service projects and events to celebrate Cesar Chavez's life and work.

Laid over.

LEGISLATIVE RESOLUTION 350. Introduced by Vargas, 7.

WHEREAS, Dolores Huerta was born on April 10, 1930, in the mining town of Dawson, New Mexico; and

WHEREAS, Dolores Huerta is the daughter of Juan Fernandez, a coal miner and migrant laborer who harvested beets in Nebraska and went on to become a legislator in New Mexico, and Alicia Chavez, a businesswoman who owned a hotel and restaurant; and

WHEREAS, Dolores Huerta became interested in civil rights as a young girl after observing her mother welcome low-wage workers and farm worker families into her hotel and participate in community affairs, civic organizations, and church; and

WHEREAS, Dolores Huerta became involved in school activities in high school and was a dedicated member of the Girl Scouts until the age of 18; and

WHEREAS, upon graduating high school, Dolores Huerta went on to earn a provisional teaching credential and, after seeing her students come to school hungry and without shoes, left the classroom to help found the Stockton Chapter of the Community Service Organization and fight for economic improvements for Latinx workers and families; and

WHEREAS, in 1955, Dolores Huerta met Community Service Organization Executive Director Cesar Chavez. They went on to co-found the National Farm Workers Association, which later expanded nationally to become the United Farm Workers of America (UFW); and

WHEREAS, in 1963, the organizing efforts of Dolores Huerta were successful in securing Aid for Dependent Families and disability insurance for farm workers in California; and

WHEREAS, the advocacy efforts of Dolores Huerta led to the enactment of the Agricultural Labor Relations Act of 1975, which granted farm workers in California the right to collectively organize and bargain for better wages and working conditions; and

WHEREAS, despite her personal belief in nonviolence, Dolores Huerta was assaulted while protesting against the policies of then-presidential candidate George H.W. Bush in San Francisco in 1988. She was beaten with a baton by a police officer, who broke her ribs and shattered her spleen, which led the San Francisco Police Department to change its crowd control and officer discipline policies; and

WHEREAS, throughout her life, Dolores Huerta has been a strong advocate for equality for women, traveling the United States to encourage Latina women to run for office and serving as an honorary co-chair of the historic Women's March on Washington on January 21, 2017; and

WHEREAS, in 2012, Dolores Huerta was awarded the Presidential Medal of Freedom, the highest civilian award in the United States, by President Barack Obama, and portraits and artwork depicting Huerta hang in the National Portrait Gallery in Washington, D.C.; and

WHEREAS, at the age of 87, Dolores Huerta continues her work with the Dolores Huerta Foundation, established in 2002, to develop leaders and advocate for the working poor, women, and children; and

WHEREAS, Dolores Huerta is the mother of eleven children, the grandmother of fifteen children, and the great-grandmother of seven children, and the most widely acclaimed Mexican-American woman of our time and has been an unparalleled community organizer and activist for the last 50 years who continues to inspire millions of people across the world.

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

1. That the Legislature designates April 10, 2018, as Dolores Huerta Day in Nebraska.
2. That the Legislature recognizes the accomplishments and service of farm workers in this state and across the country.
3. That the Legislatures encourages Nebraskans to participate in community service projects and events to celebrate Dolores Huerta's life and work.

Laid over.

VISITORS

Visitors to the Chamber were 30 middle school students and teacher from St. Mary's School, Lincoln; student pharmacists from Creighton University School of Pharmacy and UNMC College of Pharmacy; 29 fourth- and fifth-grade students and sponsors from Sacred Heart School, Falls City; and members of the UNL Graduate Leadership Class.

RECESS

At 5:58 p.m., on a motion by Senator Clements, the Legislature recessed until 6:30 p.m.

AFTER RECESS

The Legislature reconvened at 6:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senator Crawford who was excused; and Senators Groene, Hansen, Howard, and Wishart who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 944. The Morfeld motion, MO259, found in this day's Journal, to bracket until April 18, 2018, was renewed.

SPEAKER SCHEER PRESIDING**PRESIDENT FOLEY PRESIDING**

Senator Morfeld withdrew his motion to bracket.

Senator Bolz withdrew her amendment, AM2274, found on page 876 and considered in this day's Journal.

Senator Stinner offered the following motion:

MO261

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner moved for a call of the house. The motion prevailed with 35 ayes, 1 nay, and 13 not voting.

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

Voting in the affirmative, 33:

Albrecht	Clements	Hilkemann	Lowe	Stinner
Baker	Ebke	Hughes	McDonnell	Thibodeau
Bolz	Friesen	Kolowski	Murante	Watermeier
Bostelman	Geist	Kolterman	Quick	Williams
Brasch	Groene	Kuehn	Riepe	Wishart
Brewer	Halloran	Lindstrom	Scheer	
Briese	Hilgers	Linehan	Smith	

Voting in the negative, 3:

Chambers	Morfeld	Pansing Brooks
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Present and not voting, 12:

Blood	Harr	Larson	Vargas
Erdman	Howard	McCollister	Walz
Hansen	Krist	Schumacher	Wayne

Excused and not voting, 1:

Crawford

The Stinner motion to invoke cloture prevailed with 33 ayes, 3 nays, 12 present and not voting, and 1 excused and not voting.

The committee amendment, AM1699, was adopted with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 38:

Albrecht	Ebke	Hughes	McDonnell	Thibodeau
Baker	Geist	Kolowski	Murante	Vargas
Bolz	Groene	Kolterman	Quick	Walz
Bostelman	Halloran	Kuehn	Riepe	Watermeier
Brasch	Hansen	Lindstrom	Scheer	Williams
Brewer	Harr	Linehan	Schumacher	Wishart
Briese	Hilgers	Lowe	Smith	
Clements	Hilkemann	McCollister	Stinner	

Voting in the negative, 6:

Chambers	Larson	Pansing Brooks
Erdman	Morfeld	Wayne

Present and not voting, 4:

Blood	Friesen	Howard	Krist
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Excused and not voting, 1:

Crawford

Advanced to Enrollment and Review Initial with 38 ayes, 6 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 950. Title read. Considered.

Committee AM2359, found on page 929, was offered.

Senator Chambers offered the following motion:

MO262

Bracket until April 18, 2018.

Pending.

AMENDMENT(S) - Print in Journal

Senator Pansing Brooks filed the following amendment to LB944:

AM2346

(Amendments to Standing Committee amendments, AM1699)

1 1. On page 48, strike lines 5 through 18.

Senator Erdman filed the following amendment to LB944:

AM2405

(Amendments to Standing Committee amendments, AM1699)

- 1 1. On page 66, lines 3 and 4, strike "574,745,874" and insert
- 2 "557,329,332".

Senator Erdman filed the following amendment to LB944:

AM2407

(Amendments to Standing Committee amendments, AM1699)

- 1 1. On page 66, lines 3 and 4, strike "574,745,874" and insert
- 2 "557,329,332".

Senator Schumacher filed the following amendment to LB944:

AM2356

(Amendments to Standing Committee amendments, AM1699)

- 1 1. Insert the following new section:
- 2 Section 1. Section 68-911, Revised Statutes Cumulative Supplement,
- 3 2016, is amended to read:
- 4 68-911 (1) Medical assistance shall include coverage for health care
- 5 and related services as required under Title XIX of the federal Social
- 6 Security Act, including, but not limited to:
- 7 (a) Inpatient and outpatient hospital services;
- 8 (b) Laboratory and X-ray services;
- 9 (c) Nursing facility services;
- 10 (d) Home health services;
- 11 (e) Nursing services;
- 12 (f) Clinic services;
- 13 (g) Physician services;
- 14 (h) Medical and surgical services of a dentist;
- 15 (i) Nurse practitioner services;
- 16 (j) Nurse midwife services;
- 17 (k) Pregnancy-related services;
- 18 (l) Medical supplies;
- 19 (m) Mental health and substance abuse services; and
- 20 (n) Early and periodic screening and diagnosis and treatment
- 21 services for children which shall include both physical and behavioral
- 22 health screening, diagnosis, and treatment services.
- 23 (2) In addition to coverage otherwise required under this section,
- 24 medical assistance may include coverage for health care and related
- 25 services as permitted but not required under Title XIX of the federal
- 26 Social Security Act, including, but not limited to:
- 1 (a) Prescribed drugs;
- 2 (b) Intermediate care facilities for persons with developmental
- 3 disabilities;
- 4 (c) Home and community-based services for aged persons and persons
- 5 with disabilities;
- 6 (d) Dental services;
- 7 (e) Rehabilitation services;
- 8 (f) Personal care services;

- 9 (g) Durable medical equipment;
 10 (h) Medical transportation services;
 11 (i) Vision-related services;
 12 (j) Speech therapy services;
 13 (k) Physical therapy services;
 14 (l) Chiropractic services;
 15 (m) Occupational therapy services;
 16 (n) Optometric services;
 17 (o) Podiatric services;
 18 (p) Hospice services;
 19 (q) Mental health and substance abuse services;
 20 (r) Hearing screening services for newborn and infant children; and
 21 (s) Administrative expenses related to administrative activities,
 22 including outreach services, provided by school districts and educational
 23 service units to students who are eligible or potentially eligible for
 24 medical assistance.
- 25 (3) No later than July 1, 2009, the department shall submit a state
 26 plan amendment or waiver to the federal Centers for Medicare and Medicaid
 27 Services to provide coverage under the medical assistance program for
 28 community-based secure residential and subacute behavioral health
 29 services for all eligible recipients, without regard to whether the
 30 recipient has been ordered by a mental health board under the Nebraska
 31 Mental Health Commitment Act to receive such services.
- 1 (4) On or before October 1, 2014, the department, after consultation
 2 with the State Department of Education, shall submit a state plan
 3 amendment to the federal Centers for Medicare and Medicaid Services, as
 4 necessary, to provide that the following are direct reimbursable services
 5 when provided by school districts as part of an individualized education
 6 program or an individualized family service plan: Early and periodic
 7 screening, diagnosis, and treatment services for children; medical
 8 transportation services; mental health services; nursing services;
 9 occupational therapy services; personal care services; physical therapy
 10 services; rehabilitation services; speech therapy and other services for
 11 individuals with speech, hearing, or language disorders; and vision-
 12 related services.
- 13 (5) No later than September 1, 2018, the department shall submit a
 14 state plan amendment to the federal Centers for Medicare and Medicaid
 15 Services for the purpose of providing medical assistance for family
 16 planning services for persons whose family's earned income is at or below
 17 one hundred eighty-five percent of the federal poverty level as permitted
 18 under section 1902(a)(10)(A)(ii)(XXI) of the federal Social Security Act,
 19 as amended, 42 U.S.C. 1396a(a)(10)(A)(ii)(XXI), as such act and section
 20 existed on January 1, 2018.
- 21 (6) For purposes of this section, family planning services shall be
 22 consistent with 42 U.S.C. 1396a(a)(10)(G)(XVI) and includes coverage,
 23 without imposition of utilization controls, of: All United States Food
 24 and Drug Administration-approved family planning methods, including the
 25 drug or device, insertion or provision, and removal; screening and
 26 treatment for cervical and breast cancers, including cancer prevention

27 vaccinations; interpersonal violence screening and prevention; and
 28 follow-up family planning appointments and counseling. To the extent
 29 permitted by federal law without jeopardizing federal funding, family
 30 planning services also includes, but is not limited to, training in the
 31 responsibilities of parenthood and education in the financial, career,
 1 and generational implications of pregnancy and child rearing.
 2 (7) No state funds shall be utilized to pay for elective abortion
 3 services.
 4 2. Renumber the remaining sections and correct the repealer and
 5 internal references accordingly.

Senator Bolz filed the following amendment to LB944:
 AM2408

(Amendments to Standing Committee amendments, AM1699)

1 1. On page 48, strike lines 5 through 18 and insert:
 2 "No funds appropriated or distributed under the Federal Title X
 3 program shall be used for abortion or abortion counseling.
 4 No funds shall be granted to an organization that performs, assists
 5 with the performance of, or provides directive counseling in favor of
 6 abortion. Organizations may provide neutral, factual information,
 7 nondirective counseling, or referral upon request. An otherwise qualified
 8 organization shall not be disqualified from receipt of Title X funds when
 9 the organization can demonstrate objective independence. Objective
 10 independence includes legal, physical, and financial separation between
 11 the provision of abortion services and the services provided with Title X
 12 funds.
 13 It is the intent of the Legislature that Title X funds shall be
 14 distributed statewide and that the Department of Health and Human
 15 Services shall ensure that a network is maintained that is sufficient in
 16 numbers and types of providers to assure that Title X services will be
 17 accessible without unreasonable delay."

Senator Bolz filed the following amendment to LB944:
 AM2410

(Amendments to Final Reading copy)

1 1. On page 48, strike lines 5 through 18 and insert:
 2 "No funds appropriated or distributed under the Federal Title X
 3 program shall be used for abortion or abortion counseling.
 4 No funds shall be granted to an organization that performs, assists
 5 with the performance of, or provides directive counseling in favor of
 6 abortion. Organizations may provide neutral, factual information,
 7 nondirective counseling, or referral upon request. An otherwise qualified
 8 organization shall not be disqualified from receipt of Title X funds when
 9 the organization can demonstrate objective independence. Objective
 10 independence includes legal, physical, and financial separation between
 11 the provision of abortion services and the services provided with Title X
 12 funds.
 13 It is the intent of the Legislature that Title X funds shall be
 14 distributed statewide and that the Department of Health and Human

15 Services shall ensure that a network is maintained that is sufficient in
 16 numbers and types of providers to assure that Title X services will be
 17 accessible without unreasonable delay.".

Senator Chambers filed the following amendment to LB944:

FA116

Amend AM1699

Page 48, line 5 strike "Pursuant to" and insert "In accord with".

Senator Chambers filed the following amendment to LB944:

FA117

Amend AM1699

Page 48, line 18 following the period insert, "This provision is designed to serve as a campaign issue in the Governor's bid for reelection." .

MOTION(S) - Print in Journal

Senator Chambers filed the following motion to LB944:

MO260

Recommit to the Appropriations Committee.

MOTION - Adjournment

Senator Baker moved to adjourn until 9:00 a.m., Wednesday, March 14, 2018.

Senator Wayne moved for a call of the house. The motion prevailed with 22 ayes, 3 nays, and 24 not voting.

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

Voting in the affirmative, 2:

Baker Pansing Brooks

Voting in the negative, 38:

Albrecht	Erdman	Kolterman	Murante	Vargas
Blood	Friesen	Krist	Quick	Walz
Bolz	Geist	Kuehn	Riepe	Watermeier
Brasch	Halloran	Lindstrom	Scheer	Wayne
Brewer	Hansen	Linehan	Schumacher	Williams
Briese	Harr	Lowe	Smith	Wishart
Chambers	Hilgers	McCollister	Stinner	
Clements	Hughes	McDonnell	Thibodeau	

Present and not voting, 4:

Bostelman Ebke Groene Howard

Excused and not voting, 5:

Crawford Hilkemann Kolowski Larson Morfeld

The Baker motion to adjourn failed with 2 ayes, 38 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 950. Senator Chambers renewed his motion, MO262, found in this day's Journal, to bracket until April 18, 2018.

Senator Chambers moved for a call of the house. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 41:

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

Present and not voting, 1:

Chambers

Excused and not voting, 7:

Baker Hilgers Howard Larson
Crawford Hilkemann Kolowski

The Chambers motion to bracket failed with 0 ayes, 41 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO263

Reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 5 nays, and 32 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 40:

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

Present and not voting, 1:

Chambers

Excused and not voting, 8:

Baker	Groene	Hilkemann	Kolowski
Crawford	Hilgers	Howard	Larson

The Chambers motion to reconsider failed with 0 ayes, 40 nays, 1 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO264

Recommit to the Business and Labor Committee.

Senator Chambers withdrew his motion to recommit to committee.

The committee amendment, AM2359, was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

VISITORS

The Doctor of the Day was Dr. Trisha Sams from Utica.

ADJOURNMENT

At 11:35 p.m., on a motion by Senator Walz, the Legislature adjourned until 9:00 a.m., Wednesday, March 14, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-THIRD DAY - MARCH 14, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 14, 2018

PRAYER

The prayer was offered by Pastor Todd Bumgarner, 2 Pillars Church, Lincoln.

ROLL CALL

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

The roll was called and all members were present except Senators Briese, Friesen, Groene, Hansen, Kuehn, Larson, Murante, Pansing Brooks, Watermeier, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

GENERAL FILE

LEGISLATIVE BILL 741. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 923. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 1 nay, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 760. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 803. Title read. Considered.

Committee AM1719, found on page 731, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

SPEAKER SCHEER PRESIDING**PRESIDENT FOLEY PRESIDING**

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 807. Placed on General File with amendment.

AM2392

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

3 Section 1. The Legislature finds and declares:

4 (1) In 1864, the United States Congress established the National
5 Statuary Hall Collection in the Old Hall of the House of Representatives
6 in the United States Capitol and authorized each state to contribute to
7 the hall collection two statues that represent important historical
8 figures of each state;

9 (2) Nebraska currently has on display in the National Statuary Hall
10 Collection statues of William Jennings Bryan and Julius Sterling Morton
11 given by the State of Nebraska in 1937;

12 (3) In 2000, the United States Congress enacted legislation
13 authorizing states to request that the Joint Committee on the Library of
14 Congress approve the replacement of statues the state had provided for
15 display in the hall collection;

16 (4)(a) Willa Cather is a significant historical and literary figure
17 from Red Cloud, Nebraska;

18 (b) Willa Cather immortalized Nebraska in such works as My Antonia
19 and Oh Pioneers!;

20 (c) Willa Cather won the 1923 Pulitzer Prize for her novel One of
21 Ours; and

22 (d) Willa Cather is worthy of recognition in the National Statuary
23 Hall; and

24 (5)(a) Ponca Chief Standing Bear is a significant historical and
25 civil rights figure from Nebraska's Niobrara River Valley region;

26 (b) Chief Standing Bear's epic return to his Nebraska homeland to
27 bury his son culminated in the historic court case, United States ex rel.
28 Crook v. Standing Bear, which took place in Omaha, Nebraska, in May 1879;

29 (c) The court case set the historic precedent that Chief Standing
30 Bear, as a Native American individual, was found to be a person under the
1 law; and

2 (d) Chief Standing Bear is worthy of recognition in the National
3 Statuary Hall.

4 Sec. 2. The Secretary of State shall submit to the United States

5 Architect of the Capitol for his or her review for completeness a written
6 request to approve the replacement of the statue of Julius Sterling
7 Morton currently on display in the National Statuary Hall Collection in
8 the United States Capitol with a statue of Willa Cather. The written
9 request shall request authorization to provide a new statue, a
10 description of the location in Nebraska where the replaced statue will be
11 displayed after it is transferred, and a copy of the Nebraska statute
12 authorizing such replacement. After such review, it is the intent of the
13 Legislature that the architect forward the request to the Joint Committee
14 on the Library of Congress for its approval or denial. If the request is
15 approved by the committee, the architect and the Willa Cather National
16 Statuary Hall Selection Committee created pursuant to section 3 of this
17 act, acting on behalf of the State of Nebraska, shall enter into an
18 agreement as provided in 2 U.S.C. 2132(b).
19 Sec. 3. (1) The Willa Cather National Statuary Hall Selection
20 Committee is created. The committee shall consist of members of the
21 Nebraska Hall of Fame Commission created pursuant to section 72-724.
22 (2) Upon approval by the Joint Committee on the Library of Congress
23 and pursuant to the agreement described in section 2 of this act, the
24 Willa Cather National Statuary Hall Selection Committee shall:
25 (a) Select a sculptor to create a statue of Willa Cather to be
26 placed in the National Statuary Hall and review and approve the plans for
27 the statue; and
28 (b) Identify a method to obtain necessary funding to pay for all of
29 the following. All funds shall be privately donated and separately
30 managed. No state funds shall be expended for such purposes:
31 (i) The sculptor for designing and carving or casting the statue;
1 (ii) The design and fabrication of the pedestal;
2 (iii) The transportation of the statue and pedestal to the United
3 States Capitol;
4 (iv) The removal and transportation of the replaced statue;
5 (v) The temporary placement of the new statue in the Rotunda of the
6 United States Capitol for the unveiling ceremony;
7 (vi) The unveiling ceremony; and
8 (vii) Any other expenses that the committee determines are necessary
9 to incur.
10 (3) The committee has the authority to receive and disburse gifts.
11 Sec. 4. The Secretary of State shall submit to the United States
12 Architect of the Capitol for his or her review for completeness a written
13 request to approve the replacement of the statue of William Jennings
14 Bryan currently on display in the National Statuary Hall Collection in
15 the United States Capitol with a statue of Ponca Chief Standing Bear. The
16 written request shall request authorization to provide a new statue, a
17 description of the location in Nebraska where the replaced statue will be
18 displayed after it is transferred, and a copy of the Nebraska statute
19 authorizing such replacement. After such review, it is the intent of the
20 Legislature that the architect forward the request to the Joint Committee
21 on the Library of Congress for its approval or denial. If the request is
22 approved by the committee, the architect and the Chief Standing Bear
23 National Statuary Hall Selection Committee created pursuant to section 5
24 of this act, acting on behalf of the State of Nebraska, shall enter into

25 an agreement as provided in 2 U.S.C. 2132(b).
 26 Sec. 5. (1) The Chief Standing Bear National Statuary Hall Selection
 27 Committee is created. The committee shall consist of (a) a representative
 28 of the Commission on Indian Affairs, selected by the chairperson of the
 29 commission, (b) a member of the State-Tribal Relations Committee of the
 30 Legislature, selected by the chairperson of the committee, (c) the
 31 chairperson of the Lincoln Partners for Public Art Development or its
 1 successor, and the Historic Preservation Planner of the City of Lincoln.
 2 (2) Upon approval by the Joint Committee on the Library of Congress
 3 and pursuant to the agreement described in section 4 of this act, the
 4 Chief Standing Bear National Statuary Hall Selection Committee shall:
 5 (a) Select a sculptor to create a statue of Chief Standing Bear to
 6 be placed in the National Statuary Hall and review and approve the plans
 7 for the statue; and
 8 (b) Identify a method to obtain necessary funding to pay for all of
 9 the following. All funds shall be privately donated and separately
 10 managed. No state funds shall be expended for such purposes:
 11 (i) The sculptor for designing and carving or casting the statue;
 12 (ii) The design and fabrication of the pedestal;
 13 (iii) The transportation of the statue and pedestal to the United
 14 States Capitol;
 15 (iv) The removal and transportation of the replaced statue;
 16 (v) The temporary placement of the new statue in the Rotunda of the
 17 United States Capitol for the unveiling ceremony;
 18 (vi) The unveiling ceremony; and
 19 (vii) Any other expenses that the committee determines are necessary
 20 to incur.
 21 (3) The committee has the authority to receive and disburse gifts.

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)
 Enrollment and Review

LEGISLATIVE BILL 950. Placed on Select File.

(Signed) Anna Wishart, Chairperson

NOTICE OF COMMITTEE HEARING(S)
 Natural Resources

Room 1524

Thursday, March 22, 2018 1:00 p.m.

John W. Orr - Nebraska Environmental Trust Board

(Signed) Dan Hughes, Chairperson

AMENDMENT(S) - Print in Journal

Senator Lindstrom filed the following amendment to LB773:
AM2367

1 1. Insert the following new sections:

2 Section 1. Section 28-632, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 28-632 For purposes of this section and sections 28-633 and 28-634:

5 (1) Encoding machine means an electronic device that is used to
6 encode information onto a payment card;

7 ~~(2) (1) Merchant means;~~

8 (a) An ~~an~~ owner or operator of any retail mercantile establishment
9 or any agent, employee, lessee, consignee, officer, director, franchisee,
10 or independent contractor of such owner or operator;

11 (b) An establishing financial institution as defined in section
12 8-157.01; or

13 ~~(c) A Merchant also includes a person who receives from an~~
14 ~~authorized user of a payment card, or someone the person believes to be~~
15 ~~an authorized user, a payment card or information from a payment card, or~~
16 ~~what the person believes to be a payment card or information from a~~
17 ~~payment card, as the instrument for obtaining, purchasing, or receiving~~
18 ~~goods, services, money, or anything else of value from the person;~~

19 ~~(3) (2) Payment card means a credit card, charge card, or debit~~
20 ~~card, or any other card that is issued to an authorized card user and~~
21 ~~that allows the user to obtain, purchase, or receive goods, services,~~
22 ~~money, or anything else of value from a merchant;~~

23 ~~(4) (3) Person means an individual, firm, partnership, association,~~
24 ~~corporation, limited liability company, or other business entity; and~~

25 ~~(4) Reencoder means an electronic device that places encoded~~
26 ~~information from the magnetic strip or stripe of a payment card onto the~~
27 ~~magnetic strip or stripe of a different payment card; and~~

1 (5) Scanning device means a scanner, a reader, a wireless access
2 device, a radio-frequency identification scanner, near-field
3 communication technology, or any other electronic device that is used to
4 access, read, scan, obtain, memorize, or store, temporarily or
5 permanently, information encoded on the magnetic strip or stripe of a
6 payment card.

7 Sec. 2. Section 28-634, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 28-634 (1) It is unlawful for a person to intentionally and
10 knowingly use:

11 (a) Use a ~~A~~ scanning device to access, read, scan, obtain, memorize,
12 or store, temporarily or permanently, information encoded on ~~the magnetic~~
13 ~~strip or stripe of a payment card without the permission of the~~
14 ~~authorized user of the payment card and with the intent to defraud the~~
15 ~~authorized user, the issuer of the authorized user's payment card, or a~~
16 ~~merchant; or~~

17 (b) Possess a scanning device with the intent to obtain information
18 encoded on a payment card without the permission of the authorized user,

19 the issuer of the authorized user's payment card, or a merchant or
 20 possess a scanning device with knowledge that some other person intends
 21 to use the scanning device to obtain information encoded on a payment
 22 card without the permission of the authorized user, the issuer of the
 23 authorized user's payment card, or a merchant;
 24 (c) Use an encoding machine (b) A reencoder to place information
 25 encoded on the magnetic strip or stripe of a payment card onto the
 26 magnetic strip or stripe of a different card without the permission of
 27 the authorized user of the card from which the information was obtained
 28 is being reencoded and with the intent to defraud the authorized user,
 29 the issuer of the authorized user's payment card, or a merchant; or -
 30 (d) Possess an encoding machine with the intent to place information
 31 encoded on a payment card onto a different payment card without the
 1 permission of the user, the issuer of the authorized user's payment card,
 2 or a merchant.
 3 (2) A violation of this section is a Class IV felony for the first
 4 offense and a Class IIIA felony for a second or subsequent offense.
 5 2. Renumber the remaining sections and correct the repealer
 6 accordingly.

GENERAL FILE

LEGISLATIVE BILL 299. Committee AM1665, found on page 473 and considered on page 671, was renewed.

Senator Hilgers withdrew his amendment, FA102, found on page 684.

Senator Ebke withdrew her amendment, AM2028, found on page 684.

Senator Ebke offered her amendment, AM2349, found on page 930, to the committee amendment.

The Ebke amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Ebke moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

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

Voting in the affirmative, 31:

Albrecht	Friesen	Kolterman	Scheer	Wayne
Baker	Groene	Krist	Schumacher	Williams
Blood	Halloran	Lindstrom	Stinner	Wishart
Brewer	Hilkemann	Linehan	Thibodeau	
Briese	Howard	Lowe	Vargas	
Crawford	Hughes	McCollister	Walz	
Ebke	Kolowski	Morfeld	Watermeier	

Voting in the negative, 0.

Present and not voting, 13:

Bolz	Chambers	Geist	McDonnell	Quick
Bostelman	Clements	Hansen	Murante	
Brasch	Erdman	Kuehn	Pansing Brooks	

Excused and not voting, 5:

Harr	Hilgers	Larson	Riepe	Smith
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Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 945. Placed on Select File with amendment.

ER128

1 1. In the Standing Committee amendment, AM1700, on page 19, line 4, 2 strike "23 and 24" and insert "24 and 25"; and in line 17 strike "23" and 3 insert "24".

4 2. On page 1, strike beginning with "49-14,140" in line 2 through 5 line 6 and insert "9-1,101, 49-14,140, 61-224, 81-2,162.27, 81-1201.21, 6 81-1211, and 84-1227, Revised Statutes Cumulative Supplement, 2016, 7 sections 37-327.02, 48-1,116, 58-703, 59-1608.04, 61-218, 71-7611, 8 81-3701, and 81-3714, Revised Statutes Supplement, 2017, and Laws 2017, 9 LB331, sections 3, 4, and 11; to authorize, provide, change, and 10 eliminate fund transfer provisions; to create funds; to state intent; to 11 change provisions relating to the source and use of funds and interest on 12 funds; to eliminate a termination date; to change refund".

(Signed) Anna Wishart, Chairperson

VISITORS

Visitors to the Chamber were 21 fourth-grade students and sponsors from Lincoln Elementary, Red Cloud; 44 fourth-grade students from Lincoln Christian; and 100 fourth-grade students from Gretna.

RECESS

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

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Howard, Kuehn, Larson, Murante, and Watermeier who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 158. Senator Groene renewed his motion, MO235, found on page 790, to bracket until April 18, 2018.

Senator Krist moved for a call of the house. The motion prevailed with 14 ayes, 4 nays, and 31 not voting.

Senator Krist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 5 nays, and 16 not voting.

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

Voting in the affirmative, 13:

Albrecht	Brewer	Erdman	Hughes	Watermeier
Bostelman	Briese	Friesen	Lowe	
Brasch	Clements	Halloran	Schumacher	

Voting in the negative, 27:

Baker	Geist	Krist	Riepe	Wayne
Blood	Hansen	McCollister	Smith	Williams
Bolz	Hilkemann	McDonnell	Stinner	Wishart
Chambers	Howard	Morfeld	Thibodeau	
Crawford	Kolowski	Pansing Brooks	Vargas	
Ebke	Kolterman	Quick	Walz	

Present and not voting, 5:

Groene Kuehn Lindstrom Linehan Scheer

Excused and not voting, 4:

Harr Hilgers Larson Murante

The Groene motion to bracket failed with 13 ayes, 27 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Groene offered the following motion:

MO265

Reconsider the vote taken to bracket.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Pansing Brooks offered the following motion:

MO267

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Pansing Brooks moved for a call of the house. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

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

Voting in the affirmative, 31:

Baker	Geist	Krist	Quick	Wayne
Blood	Hansen	Lindstrom	Scheer	Williams
Bolz	Hilgers	Linehan	Smith	Wishart
Brewer	Hilkemann	McCollister	Stinner	
Chambers	Howard	McDonnell	Thibodeau	
Crawford	Kolowski	Morfeld	Vargas	
Ebke	Kolterman	Pansing Brooks	Walz	

Voting in the negative, 8:

Albrecht	Clements	Groene	Hughes
Brasch	Erdman	Halloran	Watermeier

Present and not voting, 4:

Briese Friesen Lowe Schumacher

Excused and not voting, 6:

Bostelman Kuehn Murante
Harr Larson Riepe

The Pansing Brooks motion to invoke cloture failed with 31 ayes, 8 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 994. Placed on General File with amendment.

AM2358

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

2 sections:

3 Section 1. The Legislature finds and declares that:

4 (1) The availability, quality, and affordability of broadband
5 telecommunications service is important to the residents of Nebraska; and
6 (2) Because availability, quality, and affordability of broadband
7 telecommunications service is lacking in certain rural areas in Nebraska,
8 combined with greater investment in urban areas, the state may be facing
9 a digital divide.

10 It is the intent of the Legislature that broadband
11 telecommunications service in rural areas of the state should be
12 comparable in download and upload speed and price to urban areas in the
13 state where possible, and that state resources should be utilized to
14 ensure that the rural residents of the state should not be penalized
15 simply because of their rural residence. It is further the intent of the
16 Legislature that the residents of this state should have access to
17 broadband telecommunications service at a minimum download speed of
18 twenty-five megabits per second, and a minimum upload speed of three
19 megabits per second.

20 Sec. 2. (1) The Rural Broadband Task Force is hereby created. Task
21 force members shall include the chairperson of the Transportation and
22 Telecommunications Committee of the Legislature and a member of the
23 Legislature selected by the Executive Board of the Legislative Council
24 who shall both serve as nonvoting, ex officio members, a member of the
25 Public Service Commission who shall be selected by the chairperson of
26 such commission, the chairperson of the Nebraska Information Technology
27 Commission or his or her designee who shall act as chairperson of the
1 task force, the Director of Economic Development or his or her designee,
2 the Director of Agriculture or his or her designee, and the following
3 members to be appointed by the Governor: A representative of the
4 agribusiness community, a representative of the Nebraska business
5 community, a representative of the regulated wireline telecommunications

6 industry, a representative of the wireless telecommunications industry, a
7 representative of the public power industry, a representative of Nebraska
8 postsecondary educational institutions, and a representative of rural
9 schools offering kindergarten through grade twelve.
10 (2) The task force may appoint advisory groups to assist the task
11 force in providing technical expertise and advice on any issue. The
12 advisory groups may be composed of representatives of stakeholder groups
13 which may include, but not necessarily be limited to, representatives
14 from small and large wireline companies, wireless companies, public power
15 districts, electric cooperative corporations, cable television companies,
16 Internet service providers, low-income telecommunications and electric
17 utility customers, health care providers, and representatives of
18 educational sectors. No compensation or expense reimbursement shall be
19 provided to any member of any advisory group appointed by the task force.
20 (3) The Nebraska Information Technology Commission shall provide
21 staff assistance to the task force in consultation with staff from the
22 Public Service Commission and other interested parties. The task force
23 may hire consultants to assist in carrying out its duties. The task force
24 shall review issues relating to availability, adoption, and affordability
25 of broadband services in rural areas of Nebraska. In particular, the task
26 force shall:
27 (a) Determine how Nebraska rural areas compare to neighboring states
28 and the rest of the nation in average advertised download and upload
29 speeds and in subscription rates to higher speed tiers, when available;
30 (b) Examine the role of the Nebraska Telecommunications Universal
31 Service Fund in bringing comparable and affordable broadband services to
1 rural residents;
2 (c) Review the feasibility of alternative technologies and providers
3 in accelerating access to faster and more reliable broadband service for
4 rural residents;
5 (d) Examine alternatives for deployment of broadband services to
6 areas that remain unserved or underserved, such as reverse auction
7 programs described in section 4 of this act, public-private partnerships,
8 funding for competitive deployment, and other measures, and make
9 recommendations to the commission to encourage deployment in such areas;
10 (e) Recommend state policies to effectively utilize state universal
11 service fund dollars to leverage federal universal service fund support
12 and other federal funding;
13 (f) Make recommendations to the Governor and Legislature as to the
14 most effective and efficient ways that federal broadband rural
15 infrastructure funds received after the operative date of this act should
16 be expended if such funds become available; and
17 (g) Determine other issues that may be pertinent to the purpose of
18 the task force.
19 (4) Task force members shall serve on the task force without
20 compensation but shall be entitled to receive reimbursement for any
21 actual expenses incurred for such service as provided in sections 81-1174
22 to 81-1177.
23 (5) The task force shall meet at the call of the chairperson and

24 shall present its findings in a report to the Executive Board of the
25 Legislative Council no later than November 1, 2019, and by November 1
26 every odd-numbered year thereafter. The report shall be submitted
27 electronically.

28 (6) For purposes of this section, broadband services means high-
29 speed telecommunications capability at a minimum download speed of
30 twenty-five megabits per second and a minimum upload speed of three
31 megabits per second, and that enables users to originate and receive
1 high-quality voice, data, and video telecommunications using any
2 technology.

3 Sec. 3. The Rural Broadband Task Force Fund is created. The fund
4 shall be used to carry out the purposes of the Rural Broadband Task Force
5 as described in section 2 of this act. For administrative purposes, the
6 fund shall be located in the Nebraska Information Technology Commission.
7 The fund shall consist of money appropriated or transferred by the
8 Legislature and gifts, grants, or bequests from any source, including
9 federal, state, public, and private sources. Any money in the fund
10 available for investment shall be invested by the state investment
11 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
12 State Funds Investment Act.

13 Sec. 4. Based on consumer complaints or upon its own motion, the
14 Public Service Commission may open a docket to consider the
15 implementation and operation of a reverse auction program that awards
16 funding to broadband Internet service providers to support high-speed
17 Internet infrastructure deployment projects in unserved or underserved
18 exchanges within the State of Nebraska. The commission may, in its
19 discretion, withhold funding from the Nebraska Telecommunications
20 Universal Service Fund to any telecommunications company that has not
21 served, to the commission's satisfaction, those areas with service that
22 meets the criteria for successful investment of funding from the Nebraska
23 Telecommunications Universal Service Fund.

24 The commission shall adopt and promulgate rules and regulations that
25 establish standards governing the withholding of funding from the
26 Nebraska Telecommunications Universal Service Fund from any recipient,
27 including the provision of notice and the right to a hearing prior to the
28 issuance of an order withdrawing such funding. If the commission
29 withdraws funding from the Nebraska Telecommunications Universal Service
30 Fund from any telecommunications company, the commission may use the
31 funding that is withdrawn to implement and operate a reverse auction
1 program, except that any funding that is withdrawn shall be utilized in
2 the exchange area for which the funding was originally granted. The
3 commission shall have wide discretion in the design, implementation, and
4 operation of a reverse auction program but may use as a guide the program
5 designed by the Federal Communications Commission in its Connect America
6 Fund Phase II Auction process.

7 Sec. 5. (1) The Public Service Commission shall establish and
8 maintain a registry of locations within the State of Nebraska for
9 complaints made to the commission regarding the lack of coverage for
10 wireless telecommunications service.

11 (2) The commission shall annually prepare and make publicly
12 available a report describing the areas of the state which fail to
13 receive adequate wireless telecommunications service.
14 (3) The commission may utilize the information maintained in the
15 registry in making any determination related to the granting of funds
16 through any program administered by the commission to support the
17 construction of wireless telecommunications service facilities.
18 (4) For purposes of this section, lack of appropriate coverage means
19 a geographic area where a wireless device is not able to receive a signal
20 from the wireless service provider's network whereby an individual is
21 unable to use a wireless device.
22 (5) The commission shall adopt and promulgate any rules and
23 regulations required to carry out this section.
24 Sec. 6. Section 86-141, Reissue Revised Statutes of Nebraska, is
25 amended to read:
26 86-141 ~~(1)~~ Telecommunications companies which serve less than five
27 percent of the state's subscriber lines in the aggregate statewide shall
28 not be subject to rate regulation by the commission pursuant to sections
29 86-140 and 86-153 unless ~~(1)~~ ~~(a)~~ the telecommunications company elects by
30 action of its board of directors to be subject to such rate regulation by
31 the commission or (2), ~~(b)~~ the proposed rate increase exceeds thirty
1 percent in any one year, ~~(c)~~ five percent of the subscribers petition the
2 commission to regulate rates pursuant to subsections (2) through (4) of
3 this section, or ~~(d)~~ the commission declares that the telecommunications
4 company shall be subject to rate regulation by the commission pursuant to
5 subsection (5) of this section.
6 ~~(2)~~ Each such telecommunications company not subject to rate
7 regulation shall, at least ninety days before the effective date of any
8 proposed rate change, notify the commission and each of the
9 telecommunications company's subscribers of the proposed rate change.
10 Notice to the commission shall include a list of the telecommunications
11 company's published subscribers. Notice by the telecommunications company
12 to all subscribers shall be in a form prescribed by the commission, shall
13 be by first class mail, and shall include a schedule of the proposed
14 rates, the effective date of the rates, and the procedure necessary for
15 the subscribers to petition the commission to determine rates in lieu of
16 the proposed rates.
17 ~~(3)~~ The subscribers of a telecommunications company not subject to
18 the commission's rate regulation may petition the commission to determine
19 rates in lieu of any rate change proposed by the telecommunications
20 company pursuant to subsection (2) of this section. A petition
21 substantially in compliance with the rules and regulations of the
22 commission shall not be deemed invalid due to minor errors in its form.
23 ~~(4)~~ If, by the effective date of the telecommunications company's
24 proposed rate change, the commission has received petitions from less
25 than five percent of the subscribers requesting that the commission
26 determine rates, the commission shall certify such fact to the
27 telecommunications company and the telecommunications company's proposed
28 rates shall become effective as published in the notice to subscribers.

29 If, on or before the effective date of the proposed rate change, the
30 commission has received petitions from five percent or more of the
31 subscribers requesting that the commission determine rates, the
1 commission shall notify the telecommunications company that it will
2 determine rates for the telecommunications company in lieu of the
3 telecommunications company's proposed rate change. Rates established by
4 the commission or by a telecommunications company pursuant to subsections
5 (2) through (4) of this section shall be in force for at least one year.
6 (5) In addition to the procedure for petition prior to any proposed
7 rate change pursuant to subsections (2) through (4) of this section, the
8 subscribers of a telecommunications company not subject to the
9 commission's rate regulation may at any time petition the commission to
10 declare that the telecommunications company shall be subject to such rate
11 regulation. If the commission determines that at least fifty one percent
12 of a telecommunications company's subscribers have properly petitioned
13 that the telecommunications company be subject to the commission's rate
14 regulation, the commission shall certify such fact to the
15 telecommunications company and thereafter the telecommunications company
16 shall be subject to rate regulation by the commission until at least
17 fifty one percent of the telecommunications company's subscribers
18 properly petition that the telecommunications company no longer shall be
19 subject to the commission's rate regulation. This section shall not be
20 construed to exempt any local exchange carrier from regulation of its
21 access charges pursuant to section 86-140.

22 Sec. 7. Section 86-144, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 86-144 (1) ~~(1)(a)~~ Except as provided in subsection (2) of this
25 section subdivision (b) of this subsection, in an exchange in which local
26 competition does not exist, telecommunications companies shall file rate
27 lists which, for all telecommunications service except for basic local
28 exchange rates, shall be effective after ten days' notice to the
29 commission.

30 (2) ~~(b)~~ Notwithstanding any other provision of Chapter 86, a
31 telecommunications company shall not be required to file rate lists,
1 tariffs, or contracts for any telecommunications service, including local
2 exchange and interexchange services, provided as a business service. Upon
3 written notice to the commission, a telecommunications company may
4 withdraw any rate list, tariff, or contract not required to be filed
5 under this subdivision if the telecommunications company posts the rates,
6 terms, and conditions of its telecommunications service on the company's
7 web site.

8 (2) ~~In an exchange in which local competition does not exist, basic~~
9 ~~local exchange rates may be increased by a telecommunications company~~
10 ~~only after ninety days' notice to all affected subscribers. Such notice~~
11 ~~of increase shall include (a) the reasons for the rate increase, (b) a~~
12 ~~description of the affected telecommunications service, (c) an~~
13 ~~explanation of the right of the subscriber to petition the commission for~~
14 ~~a public hearing on the rate increase, (d) a list of exchanges which are~~
15 ~~affected by the proposed rate increase, and (e) the dates, times, and~~

16 ~~places for the public informational meetings required by this section.~~
17 ~~(3) A telecommunications company which proposes to increase its~~
18 ~~basic local exchange rates shall hold at least one public informational~~
19 ~~meeting in each public service commissioner district as established by~~
20 ~~section 75-101.01 in which there is an exchange affected by the proposed~~
21 ~~rate increase.~~
22 Sec. 8. Section 86-162, Reissue Revised Statutes of Nebraska, is
23 amended to read:
24 86-162 Any telecommunications company or its agent who fails or
25 neglects to comply with section 86-131, 86-132, 86-140, ~~86-141~~, or 86-153
26 or who violates any of the provisions of such sections is guilty of a
27 Class IV misdemeanor.
28 Sec. 9. Section 86-579, Reissue Revised Statutes of Nebraska, is
29 amended to read:
30 86-579 The Nebraska Internet Enhancement Fund is created. The fund
31 shall be used to provide financial assistance to install and deliver
1 broadband or other advanced telecommunications infrastructure and service
2 throughout the state. It is the intent of the Legislature that two
3 hundred fifty thousand dollars shall be appropriated to the fund to be
4 used for startup costs and seed money for FY2001-02. The Public Service
5 Commission may receive gifts, contributions, property, and equipment from
6 public and private sources for purposes of the fund. The fund shall
7 consist of money appropriated by the Legislature, any money transferred
8 pursuant to section 86-127, and gifts, grants, or bequests from any
9 source, including money remitted to the fund pursuant to section 86-577
10 and any other federal, state, public, and private sources. Money in the
11 fund shall be distributed by the commission pursuant to section 86-580.
12 Transfers from the fund to the General Fund may be made at the direction
13 of the Legislature. Any money in the Nebraska Internet Enhancement Fund
14 available for investment shall be invested by the state investment
15 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
16 State Funds Investment Act.
17 The State Treasurer shall transfer one hundred thousand dollars from
18 the Nebraska Internet Enhancement Fund to the General Fund on or before
19 July 15, 2003.
20 The State Treasurer shall transfer fifty thousand dollars from the
21 Nebraska Internet Enhancement Fund to the Rural Broadband Task Force Fund
22 on or before July 15, 2018.
23 Sec. 10. This act becomes operative on July 1, 2018.
24 Sec. 11. Original sections 86-141, 86-144, 86-162, and 86-579,
25 Reissue Revised Statutes of Nebraska, are repealed.
26 Sec. 12. The following sections are outright repealed: Sections
27 86-145, 86-146, 86-147, and 86-148, Reissue Revised Statutes of Nebraska.
28 Sec. 13. Since an emergency exists, this act takes effect when
29 passed and approved according to law.

(Signed) Curt Friesen, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 944. Placed on Select File with amendment.
ER129

1 1. In the Standing Committee amendment, AM1699:

2 a. On page 35, line 3, strike "24,549,609" and insert "24,549,622";
3 and

4 b. On page 117, line 6, after "2018" insert an underscored comma.

5 2. On page 1, strike lines 4 through 14 and insert "39, 40, 45, 49,
6 50, 51, 52, 54, 55, 57, 59, 62, 68, 69, 70, 71, 73, 82, 85, 86, 87, 92,
7 95, 96, 97, 98, 100, 101, 102, 103, 104, 106, 107, 108, 109, 110, 111,
8 112, 115, 116, 125, 126, 128, 130, 132, 134, 136, 137, 138, 139, 150,
9 153, 154, 155, 160, 162, 163, 165, 166, 168, 169, 170, 172, 173, 176,
10 177, 182, 186, 189, 190, 192, 195, 196, 199, 201, 204, 208, 210, 211,
11 213, 215, 216, 218, 221, 222, 228, 229, 230, 231, 232, 233, 234, 235,
12 236, 237, 239, 240, 241, 242, 243, 244, 247, 249, 250, 251, 255, 260,
13 263, 265, and 272; Laws 2017, LB329, sections 5, 6, 7, 8, 9, 10, 11, 12,
14 13, 14, 15, 16, 17, and 18; Laws 2017, LB330, sections 25, 38, and 42;
15 and Laws 2017, LB512A, section 2; to define and redefine".

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Judiciary

LEGISLATIVE BILL 845. Placed on General File with amendment.
AM2353

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

2 sections:

3 Section 1. The Legislature finds that individuals with

4 disabilities, as defined in section 42-364, continue to face unfair,

5 preconceived, and unnecessary societal biases as well as antiquated

6 attitudes regarding their ability to successfully parent their children.

7 Sec. 2. Section 42-364, Reissue Revised Statutes of Nebraska, is

8 amended to read:

9 42-364 (1)(a) In an action under Chapter 42 involving child support,

10 child custody, parenting time, visitation, or other access, the parties

11 and their counsel, if represented, shall develop a parenting plan as

12 provided in the Parenting Act. If the parties and counsel do not develop

13 a parenting plan, the complaint shall so indicate as provided in section

14 42-353 and the case shall be referred to mediation or specialized

15 alternative dispute resolution as provided in the Parenting Act. For good

16 cause shown and (i) when both parents agree and such parental agreement

17 is bona fide and not asserted to avoid the purposes of the Parenting Act,

18 or (ii) when mediation or specialized alternative dispute resolution is

19 not possible without undue delay or hardship to either parent, the

20 mediation or specialized alternative dispute resolution requirement may

21 be waived by the court. In such a case where waiver of the mediation or

22 specialized alternative dispute resolution is sought, the court shall
23 hold an evidentiary hearing and the burden of proof for the party or
24 parties seeking waiver is by clear and convincing evidence.

25 (b) The decree in an action involving the custody of a minor child
26 shall include the determination of legal custody and physical custody
27 based upon the best interests of the child, as defined in the Parenting
1 Act, and child support. Such determinations shall be made by
2 incorporation into the decree of (i) a parenting plan developed by the
3 parties, if approved by the court, or (ii) a parenting plan developed by
4 the court based upon evidence produced after a hearing in open court if
5 no parenting plan is developed by the parties or the plan developed by
6 the parties is not approved by the court. The decree shall conform to the
7 Parenting Act.

8 (c) The social security number of each parent and the minor child
9 shall be furnished to the clerk of the district court but shall not be
10 disclosed or considered a public record.

11 (2) In determining legal custody or physical custody, the court
12 shall not give preference to either parent based on the sex or disability
13 of the parent and, except as provided in section 43-2933, no presumption
14 shall exist that either parent is more fit or suitable than the other.

15 Custody shall be determined on the basis of the best interests of the
16 child, as defined in the Parenting Act. Unless parental rights are
17 terminated, both parents shall continue to have the rights stated in
18 section 42-381.

19 (3) Custody of a minor child may be placed with both parents on a
20 joint legal custody or joint physical custody basis, or both, (a) when
21 both parents agree to such an arrangement in the parenting plan and the
22 court determines that such an arrangement is in the best interests of the
23 child or (b) if the court specifically finds, after a hearing in open
24 court, that joint physical custody or joint legal custody, or both, is in
25 the best interests of the minor child regardless of any parental
26 agreement or consent.

27 (4) In determining the amount of child support to be paid by a
28 parent, the court shall consider the earning capacity of each parent and
29 the guidelines provided by the Supreme Court pursuant to section
30 42-364.16 for the establishment of child support obligations. Upon
31 application, hearing, and presentation of evidence of an abusive
1 disregard of the use of child support money or cash medical support paid
2 by one party to the other, the court may require the party receiving such
3 payment to file a verified report with the court, as often as the court
4 requires, stating the manner in which child support money or cash medical
5 support is used. Child support money or cash medical support paid to the
6 party having physical custody of the minor child shall be the property of
7 such party except as provided in section 43-512.07. The clerk of the
8 district court shall maintain a record, separate from all other judgment
9 dockets, of all decrees and orders in which the payment of child support,
10 cash medical support, or spousal support has been ordered, whether
11 ordered by a district court, county court, separate juvenile court, or
12 county court sitting as a juvenile court. Orders for child support or

13 cash medical support in cases in which a party has applied for services
 14 under Title IV-D of the federal Social Security Act, as amended, shall be
 15 reviewed as provided in sections 43-512.12 to 43-512.18.

16 (5) Whenever termination of parental rights is placed in issue the
 17 court shall transfer jurisdiction to a juvenile court established
 18 pursuant to the Nebraska Juvenile Code unless a showing is made that the
 19 county court or district court is a more appropriate forum. In making
 20 such determination, the court may consider such factors as cost to the
 21 parties, undue delay, congestion of dockets, and relative resources
 22 available for investigative and supervisory assistance. A determination
 23 that the county court or district court is a more appropriate forum shall
 24 not be a final order for the purpose of enabling an appeal. If no such
 25 transfer is made, the court shall conduct the termination of parental
 26 rights proceeding as provided in the Nebraska Juvenile Code.

27 (6) Modification proceedings relating to support, custody, parenting
 28 time, visitation, other access, or removal of children from the
 29 jurisdiction of the court shall be commenced by filing a complaint to
 30 modify. Modification of a parenting plan is governed by the Parenting
 31 Act. Proceedings to modify a parenting plan shall be commenced by filing
 1 a complaint to modify. Such actions shall be referred to mediation or
 2 specialized alternative dispute resolution as provided in the Parenting
 3 Act. For good cause shown and (a) when both parents agree and such
 4 parental agreement is bona fide and not asserted to avoid the purposes of
 5 the Parenting Act, or (b) when mediation or specialized alternative
 6 dispute resolution is not possible without undue delay or hardship to
 7 either parent, the mediation or specialized alternative dispute
 8 resolution requirement may be waived by the court. In such a case where
 9 waiver of the mediation or specialized alternative dispute resolution is
 10 sought, the court shall hold an evidentiary hearing and the burden of
 11 proof for the party or parties seeking waiver is by clear and convincing
 12 evidence. Service of process and other procedure shall comply with the
 13 requirements for a dissolution action.

14 (7) In any proceeding under this section relating to custody of a
 15 child of school age, certified copies of school records relating to
 16 attendance and academic progress of such child are admissible in
 17 evidence.

18 (8) For purposes of this section, disability has the same meaning as
 19 in 42 U.S.C. 12102, as such section existed on January 1, 2018.

20 Sec. 3. Original section 42-364, Reissue Revised Statutes of
 21 Nebraska, is repealed.

(Signed) Laura Ebke, Chairperson

AMENDMENT(S) - Print in Journal

Senator Lindstrom filed the following amendment to LB1132:
 AM2361

(Amendments to Standing Committee amendments, AM1971)

1 1. Strike section 2 and insert the following new sections:

2 Section 1. Section 28-902, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 28-902 (1) Except as provided in subsection (2) of this section,
5 every health care provider ~~Every person engaged in the practice of~~
6 ~~medicine and surgery, or who is in charge of any emergency room or first-~~
7 ~~aid station in this state, shall immediately report to law enforcement~~
8 every case; in which the health care provider he is consulted for medical
9 care for physical treatment or treats a wound or injury of violence which
10 appears to have been received in connection with, or as a result of, the
11 commission of a criminal offense, immediately to the chief of police of
12 the municipality or to the sheriff of the county wherein the consultation
13 or treatment occurs. Such report shall include the name of the victim
14 such person, the residence, if ascertainable, and a brief description of
15 the victim's physical injury, and, if ascertainable, the victim's
16 residential address and the location of the offense injury. Any other
17 ~~provision of law or rule of evidence relative to confidential~~
18 communications is suspended insofar as compliance with the provisions of
19 this section is are concerned.

20 (2) When a health care provider is consulted for medical care for
21 physical injury which reasonably appears to have been received in
22 connection with, or as a result of, the commission of an actual or
23 attempted sexual assault and the victim was eighteen years of age or
24 older at the time of such actual or attempted sexual assault, the health
25 care provider shall:

26 (a) Provide the victim with information detailing the reporting
1 options available under subdivision (2)(b) of this section;

2 (b) Ask the victim either:

3 (i) To provide written consent to report such actual or attempted
4 sexual assault as provided in subsection (1) of this section. If the
5 victim provides such written consent, the health care provider shall make
6 the report required by subsection (1) of this section and submit to law
7 enforcement a sexual assault evidence collection kit if one has been
8 obtained; or

9 (ii) To sign a written acknowledgment that such actual or attempted
10 sexual assault will not be reported except as provided in subdivision (2)
11 (c) or subsection (3) of this section, but that the health care provider
12 will submit to law enforcement a sexual assault evidence collection kit,
13 if one has been obtained, using an anonymous reporting protocol. A health
14 care provider may use the anonymous reporting protocol developed by the
15 Attorney General under section 4 of this act or may use a different
16 anonymous reporting protocol;

17 (c) Regardless of the victim's decision under subdivision (2)(b) of
18 this section, if the victim is suffering from a serious bodily injury, or
19 any bodily injury where a deadly weapon was used to inflict such injury,
20 which appears to have been received in connection with, or as a result
21 of, the commission of an actual or attempted sexual assault, the health
22 care provider shall report such injury to law enforcement as provided in
23 subsection (1) of this section; and

24 (d) Unless declined by the victim, refer him or her to an advocate.

25 (3) When a health care provider is consulted for medical care for
26 physical injury which reasonably appears to have been received in
27 connection with, or as a result of, the commission of an actual or
28 attempted sexual assault, the health care provider shall, regardless of
29 the victim's age or the victim's decision under subdivision (2)(b) of
30 this section, provide law enforcement with a sexual assault evidence
31 collection kit if one has been obtained.

1 (4) A law enforcement agency receiving a sexual assault evidence
2 collection kit under this section shall preserve such kit for twenty
3 years after the date of receipt or as otherwise ordered by a court.

4 (5) Any health care provider who knowingly fails to make any report
5 required by subsection (1) of this section is guilty of a Class III
6 misdemeanor. If multiple health care providers are involved in the
7 consultation of a person in a given occurrence, this section does not
8 require each health care provider to make a separate report, so long as
9 one of such health care providers makes the report required by this
10 section.

11 (6) For purposes of this section:

12 (a) Advocate has the same meaning as in section 29-4302;

13 (b) Anonymous reporting protocol means a reporting protocol that
14 allows the identity of the victim, his or her personal or identifying
15 information, and the details of the sexual assault or attempted sexual
16 assault to remain confidential and undisclosed by the health care
17 provider, other than submission to law enforcement of any sexual assault
18 evidence collection kit, unless and until the victim consents to the
19 release of such information;

20 (c) Health care provider means any of the following individuals who
21 are licensed, certified, or registered to perform specified health
22 services consistent with state law: A physician, physician assistant,
23 nurse, or advanced practice registered nurse;

24 (d) Law enforcement means a law enforcement agency in the county in
25 which the consultation occurred; and

26 (e) Victim means the person seeking medical care.

27 ~~(2) Any person who fails to make the report required by subsection~~
28 ~~(1) of this section commits a Class III misdemeanor.~~

29 Sec. 3. Section 29-3523, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 29-3523 (1) After the expiration of the periods described in
1 subsection (3) of this section or after the granting of a motion under
2 subsection (4), (5), or (6) of this section, a criminal justice agency
3 shall respond to a public inquiry in the same manner as if there were no
4 criminal history record information and criminal history record
5 information shall not be disseminated to any person other than a criminal
6 justice agency, except as provided in subsection (2) of this section or
7 when the subject of the record:

8 (a) Is currently the subject of prosecution or correctional control
9 as the result of a separate arrest;

10 (b) Is currently an announced candidate for or holder of public
11 office;

12 (c) Has made a notarized request for the release of such record to a
13 specific person; or
14 (d) Is kept unidentifed, and the record is used for purposes of
15 surveying or summarizing individual or collective law enforcement agency
16 activity or practices, or the dissemination is requested consisting only
17 of release of criminal history record information showing (i) dates of
18 arrests, (ii) reasons for arrests, and (iii) the nature of the
19 dispositions including, but not limited to, reasons for not prosecuting
20 the case or cases.

21 (2) That part of criminal history record information described in
22 subsection (7) (4) of this section may be disseminated to individuals and
23 agencies for the express purpose of research, evaluative, or statistical
24 activities pursuant to an agreement with a criminal justice agency that
25 specifically authorizes access to the information, limits the use of the
26 information to research, evaluative, or statistical activities, and
27 ensures the confidentiality and security of the information.

28 (3) Except as provided in subsections (1) and (2) of this section,
29 in the case of an arrest, citation in lieu of arrest, or referral for
30 prosecution without citation, all criminal history record information
31 relating to the case shall be removed from the public record as follows:

1 (a) When no charges are filed as a result of the determination of
2 the prosecuting attorney, the criminal history record information shall
3 not be part of the public record after one year from the date of arrest,
4 citation in lieu of arrest, or referral for prosecution without citation;
5 (b) When charges are not filed as a result of a completed diversion,
6 the criminal history record information shall not be part of the public
7 record after two years from the date of arrest, citation in lieu of
8 arrest, or referral for prosecution without citation; and
9 (c) When charges are filed, but the case is dismissed by the court
10 (i) on motion of the prosecuting attorney, (ii) as a result of a hearing
11 not the subject of a pending appeal, (iii) after acquittal, or (iv) after
12 completion of a program prescribed by a drug court or any other problem
13 solving court approved by the Supreme Court, the criminal history record
14 information shall not be part of the public record immediately upon
15 notification of a criminal justice agency after acquittal pursuant to
16 subdivision (3)(c)(iii) of this section or after the entry of an order
17 dismissing the case.

18 (4) Upon the granting of a petition to set aside a conviction or
19 adjudication pursuant to section 2 of this act, a person who is a victim
20 of sex trafficking, as defined in section 2 of this act, may file a
21 motion with the sentencing court for an order to seal the criminal
22 history record information related to such conviction or adjudication.
23 Upon a finding that a court issued an order setting aside such conviction
24 or adjudication pursuant to section 2 of this act, the sentencing court
25 shall grant the motion and issue an order as provided in subsection (7)
26 of this section.

27 (5) Any person who has received a pardon may file a motion with the
28 sentencing court for an order to seal the criminal history record
29 information and any cases related to such charges or conviction. Upon a

30 finding that the person received a pardon, the court shall grant the
31 motion and issue an order as provided in subsection (7) of this section.
1 (6) Any person who is subject to a record which resulted in a case
2 being dismissed prior to January 1, 2017, as described in subdivision (3)
3 (c) of this section, may file a motion with the court to enter an order
4 pursuant to subsection (7) of this section. Upon a finding that the case
5 was dismissed for any reason described in subdivision (3)(c) of this
6 section, the court shall grant the motion and enter an order as provided
7 in subsection (7) of this section.
8 ~~(7) (4)~~ Upon acquittal, ~~or~~ entry of an order dismissing a case
9 described in subdivision (3)(c) of this section, or after granting a
10 motion under subsection (4), (5), or (6) of this section, the court
11 shall:
12 (a) Order that all records, including any information or other data
13 concerning any proceedings relating to the case, including the arrest,
14 taking into custody, petition, complaint, indictment, information, trial,
15 hearing, adjudication, correctional supervision, dismissal, or other
16 disposition or sentence, are not part of the public record and shall not
17 be disseminated to persons other than criminal justice agencies, except
18 as provided in subsection (1) or (2) of this section;
19 (b) Send notice of the order (i) to the Nebraska Commission on Law
20 Enforcement and Criminal Justice, (ii) to the Nebraska State Patrol, and
21 (iii) to law enforcement agencies, county attorneys, and city attorneys
22 referenced in the court record;
23 (c) Order all parties notified under subdivision ~~(7)(b)~~ ~~(4)(b)~~ of
24 this section to seal all records pertaining to the case; and
25 (d) If the case was transferred from one court to another, send
26 notice of the order to seal the record to the transferring court.
27 ~~(8) (5)~~ In any application for employment, bonding, license,
28 education, or other right or privilege, any appearance as a witness, or
29 any other public inquiry, a person cannot be questioned with respect to
30 any offense for which the record is sealed. If an inquiry is made in
31 violation of this subsection, the person may respond as if the offense
1 never occurred.
2 ~~(9) (6)~~ Any person arrested due to the error of a law enforcement
3 agency may file a petition with the district court for an order to
4 expunge the criminal history record information related to such error.
5 The petition shall be filed in the district court of the county in which
6 the petitioner was arrested. The county attorney shall be named as the
7 respondent and shall be served with a copy of the petition. The court may
8 grant the petition and issue an order to expunge such information if the
9 petitioner shows by clear and convincing evidence that the arrest was due
10 to error by the arresting law enforcement agency.
11 (10) The relief set forth in this section shall apply to all persons
12 otherwise eligible in accordance with the provisions of this section,
13 whether arrested, cited in lieu of arrest, referred for prosecution
14 without citation, charged, convicted, or adjudicated prior to, on or
15 subsequent to the effective date of this act.
16 Sec. 4. On or before July 1, 2019, the Attorney General shall

17 develop and distribute a statewide model anonymous reporting protocol for
 18 use by health care providers as provided in section 28-902. Once
 19 developed, the statewide model anonymous reporting protocol shall be
 20 maintained by the Nebraska Commission on Law Enforcement and Criminal
 21 Justice.
 22 2. Renumber the remaining sections and correct the repealer
 23 accordingly.

Senator Friesen filed the following amendment to LB994:
 AM2387

(Amendments to Standing Committee amendments, AM2358)

1 1. On page 5, line 9, after "of" insert "appropriate"; strike lines
 2 11 through 13; in line 14 strike "(3)" and insert "(2)"; in line 18
 3 strike "(4)" and insert "(3)"; and in line 22 strike "(5)" and insert
 4 "(4)".

Senator Morfeld filed the following amendment to LB873:
 AM2259

(Amendments to Standing Committee amendments, AM2065)

1 1. Insert the following new sections:
 2 Sec. 104. (1) For purposes of this section:
 3 (a) Municipality means a city or village; and
 4 (b) Short-term rental means a residential property, including a
 5 single-family dwelling or a unit in a condominium, cooperative, or time-
 6 share, that is rented wholly or partly for a fee for a period not longer
 7 than thirty consecutive days.
 8 (2) A municipality shall not adopt or enforce an ordinance or other
 9 regulation that expressly or effectively prohibits the use of a property
 10 as a short-term rental.
 11 (3) A municipality may adopt or enforce an ordinance or other
 12 regulation that specifically regulates property used as a short-term
 13 rental only if the municipality demonstrates that the primary purpose of
 14 the ordinance or other regulation is to protect the public's health and
 15 safety. An ordinance or other regulation authorized by this subsection
 16 includes:
 17 (a) Requirements addressing:
 18 (i) Fire and building codes;
 19 (ii) Health and sanitation;
 20 (iii) Traffic control; and
 21 (iv) Solid or hazardous waste and pollution control; and
 22 (b) Requirements regarding the designation of an emergency contact
 23 for the property.
 24 (4) A municipality may adopt or enforce an ordinance or other
 25 regulation that imposes a sales tax or an occupation tax on short-term
 26 rentals if the tax is otherwise permitted by applicable law.
 1 (5) A municipality may adopt or enforce an ordinance or other
 2 regulation that limits or prohibits the use of a short-term rental only
 3 if the law limits or prohibits the use of a short-term rental for the
 4 purpose of:

5 (a) Housing sex offenders;
6 (b) Operating a structured sober living home or similar enterprise;
7 (c) Selling illegal drugs;
8 (d) Selling alcohol or another activity that requires a permit or
9 license under the Nebraska Liquor Control Act; or
10 (e) Operating a sexually oriented business.
11 (6) A municipality shall apply an ordinance or other regulation
12 regulating land use to a short-term rental in the same manner as another
13 similar property. An ordinance or other regulation described by this
14 subsection includes:
15 (a) Residential use and other zoning matters;
16 (b) Noise and other nuisances; and
17 (c) Property maintenance.
18 (7) This section shall not be construed to affect regulations of a
19 private entity, including a homeowners association organized under the
20 Condominium Property Act or the Nebraska Condominium Act.
21 Sec. 343. Section 77-2701, Revised Statutes Supplement, 2017, is
22 amended to read:
23 77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, 77-27,235,
24 77-27,236, and 77-27,238 and section 344 of this act shall be known and
25 may be cited as the Nebraska Revenue Act of 1967.
26 Sec. 344. (1) For purposes of this section, online hosting platform
27 means a marketplace connected by computer to one or more other computers
28 or networks, as through a commercial electronic information service or
29 the Internet, through which (a) a seller or hotel operator may rent or
30 furnish any room or rooms, lodgings, or accommodations in a hotel, a
31 motel, an inn, a tourist camp, a tourist cabin, or any other place, (b)
1 such room or rooms, lodgings, or accommodations may be advertised or
2 listed, and (c) a purchaser or occupant may arrange for the occupancy of
3 such room or rooms, lodgings, or accommodations.
4 (2) The Tax Commissioner may enter into an agreement with an online
5 hosting platform to permit the online hosting platform to collect and pay
6 the applicable sales taxes imposed under the Local Option Revenue Act,
7 the Nebraska Revenue Act of 1967, the Nebraska Visitors Development Act,
8 and sections 13-318 to 13-326 and 13-2813 to 13-2816 on behalf of the
9 seller or hotel operator otherwise required to collect such taxes for
10 transactions consummated through the online hosting platform. Upon
11 entering into such agreement with the online hosting platform, the Tax
12 Commissioner shall waive the tax collection responsibility of a seller or
13 hotel operator for transactions consummated through the online hosting
14 platform for which the online hosting platform has assumed this
15 responsibility. The online hosting platform shall give written notice to
16 each seller or hotel operator which is covered by the agreement between
17 the online hosting platform and the Tax Commissioner.
18 (3) Upon entering into an agreement with the Tax Commissioner under
19 this section, the online hosting platform shall report aggregate
20 information on the tax return prescribed by the Tax Commissioner,
21 including an aggregate of gross receipts, exemptions, adjustments, and
22 taxable receipts of all transactions subject to the agreement.

23 (4) Taxes payable by an online hosting platform on transactions
 24 subject to the agreement shall be subject to audit only by the Tax
 25 Commissioner at his or her sole discretion. Any such audit shall be
 26 conducted on the basis of returns and supporting documents filed by the
 27 online hosting platform with the Tax Commissioner. An online hosting
 28 platform shall not be required to disclose any personally identifiable
 29 information relating to any seller, hotel operator, purchaser, or
 30 occupant involved in any such transaction.

31 Sec. 345. The Revisor of Statutes shall assign section 104 of this
 1 act to Chapter 18.

2. 2. Renumber the remaining sections and correct the repealer
 3 accordingly.

Senator Harr filed the following amendment to LB861:
 AM2426

(Amendments to AM2285)

1 1. Strike section 6 and insert the following new section:
 2 Sec. 6. Due to the absence, sickness, disability, or conflict of
 3 interest of the Attorney General and his or her assistants, or upon
 4 request of the Attorney General for good cause, the Supreme Court, the
 5 Court of Appeals, or any district court, separate juvenile court, or
 6 county court before which the cause may be heard may appoint an attorney
 7 to act as Attorney General or his or her assistant in any investigation,
 8 appearance, or trial by an order entered upon the minutes of the court.
 9 Such attorney shall be allowed compensation for such services as the
 10 court determines, to be paid by order of the county treasurer of the
 11 county in which the cause was heard upon presenting to the county board
 12 the certificate of the judge before whom the cause was tried certifying
 13 to services rendered by such attorney and the amount of compensation.

VISITORS

Visitors to the Chamber were 19 high school students and teachers from Bertrand Community School; and Senator Hilkemann's wife, Julie, daughter, grandson, and granddaughters, Liz, Ethan, Emma, and Kayla Sullivan from Houston, TX.

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

ADJOURNMENT

At 4:54 p.m., on a motion by Senator McCollister, the Legislature adjourned until 9:00 a.m., Thursday, March 15, 2018.

Patrick J. O'Donnell
 Clerk of the Legislature

FORTY-FOURTH DAY - MARCH 15, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 15, 2018

PRAYER

The prayer was offered by Pastor Joe Laughlin, Victory Church, Omaha.

ROLL CALL

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

The roll was called and all members were present except Senator Hilgers who was excused; and Senators Bolz, Linehan, Murante, Stinner, Thibodeau, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 741. Placed on Select File.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 705. Placed on General File.

LEGISLATIVE BILL 1057. Placed on General File.

LEGISLATIVE BILL 686. Placed on General File with amendment.
AM2208 is available in the Bill Room.

LEGISLATIVE BILL 894. Placed on General File with amendment.
AM2058 is available in the Bill Room.

(Signed) Merv Riepe, Chairperson

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.

Matthew A. Van Patton, Director - Division of Medicaid and Long Term Care-Department of Health and Human Services

Aye: 5 Erdman, Kolterman, Linehan, Riepe, Williams. Nay: 0. Absent: 0. Present and not voting: 2 Crawford, Howard.

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.

Jeremy Fitzpatrick - Commission for the Deaf and Hard of Hearing
 Stacie L. Ray - Commission for the Deaf and Hard of Hearing
 Diane Schutt - Commission for the Deaf and Hard of Hearing
 Norman B. Weverka - Commission for the Deaf and Hard of Hearing

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

(Signed) Merv Riepe, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 351. Introduced by Thibodeau, 6; Harr, 8; Hilgers, 21; Krist, 10; McCollister, 20.

WHEREAS, the Omaha Creighton Prep High School swimming and diving team won the 2018 Boys' State Swimming and Diving Championship; and

WHEREAS, the Creighton Prep Junior Jays scored 409 points to win the school's twelfth consecutive state swimming and diving championship; and

WHEREAS, this victory is a testament to the hard work and dedication of:
 Seniors Ray Cronin, Stanley Drvol, Conner Funke, Jeff Garvey, Matthew Heaney, Joe Hennessey, Colin LaFave, Baily McFadden, Jalen Nichols, Noah Schalley, Nick Soltys, and Mark Thayer;

Juniors Tristan Currin, Charlie Ehlers, Andrew Forbes, Ben Goeman, Blaine Kaup, Jason Kwong, Kayden McCullough, Ross Pantano, and Noah Peake;

Sophomores Matthew Ahlgren, Rush Clark, Hayden Hadford, Nick Mowat, Timothy Nichols, Danny Perry, Jimmy Rosenthal, Ethan Schmaderer, and Greg Thayer; and

Freshmen Sal Goaley, Andrew Hood, Drew Kaelin, Ben Ravnsborg, Leonardo Ruiz-Juvera, Andrew Sutej, and Cian Weekly; and

WHEREAS, Coach Tom Beck and assistant coaches Becki Carter, Harlan Groff, and Dr. Larry Raynor, did a tremendous job of guiding the team; 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 Omaha Creighton Prep swimming and diving team on winning the 2018 Boys' State Swimming and Diving Championship.
2. That a copy of this resolution be sent to each member of the swimming and diving team, their coach, Tom Beck, and each of the assistant coaches.

Laid over.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 14, 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

Baird Holm LLP
TSYS

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>

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 340, 341, and 342 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 340, 341, and 342.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB17 with 38 ayes, 2 nays, 4 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 17.

A BILL FOR AN ACT relating to real property; to amend sections 76-2228.02, 76-3201, 76-3202, 76-3203, 76-3204, 76-3205, 76-3206, 76-3207, 76-3208, 76-3210, 76-3212, 76-3213, 76-3214, 76-3215, 76-3216, and 76-3217, Revised Statutes Cumulative Supplement, 2016; to change and eliminate provisions relating to the Real Property Appraiser Act and the Nebraska Appraisal Management Company Registration Act; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Hilgers Murante Stinner

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 256.

A BILL FOR AN ACT relating to cities and villages; to adopt the Vacant Property Registration Act; and to provide a duty for the Revisor of Statutes.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Hilgers Stinner

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

LEGISLATIVE BILL 321.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1204.04, Reissue Revised Statutes of Nebraska; to change provisions relating to unlawful possession of a firearm at a school; and to repeal the original section.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Pansing Brooks

Excused and not voting, 2:

Hilgers Stinner

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB743 with 41 ayes, 2 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 743.

A BILL FOR AN ACT relating to insurance; to amend sections 44-2607, 44-2614, 44-3905, 44-3908, 44-4053, 44-4056, and 44-4521, Reissue Revised Statutes of Nebraska, and sections 44-4068, 44-8105, 44-8108, 44-8601, and 44-8602, Revised Statutes Cumulative Supplement, 2016; to adopt the Public Adjusters Licensing Act; to change the certification of continuing education activities as prescribed; to redefine terms relating to insurance consultants; to redefine a term and change requirements relating to insurance producers under the Nebraska Protection in Annuity Transactions Act; to redefine a term, to provide contract requirements for assignment of rights and benefits, to require notice as prescribed, and to declare certain contracts void under the Insured Homeowners Protection Act; to eliminate a requirement for rules and regulations; to eliminate prelicensing education requirements; to harmonize provisions; to repeal the original sections; and to outright repeal sections 44-3911, 44-3912, and 44-3913, Reissue Revised Statutes of Nebraska, and sections 44-3909 and 44-3910, Revised Statutes Cumulative Supplement, 2016.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Hilgers

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB750 with 41 ayes, 4 nays, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 750.

A BILL FOR AN ACT relating to real property; to amend sections 76-252, 76-1014.01, and 76-2803, Reissue Revised Statutes of Nebraska, and sections 45-737 and 76-238, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the recording of instruments and the rights and duties of secured creditors with respect to the Residential Mortgage Licensing Act, real estate conveyances, mortgages, trust deeds, and the Nebraska Security Instrument Satisfaction Act; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 1:

Hilgers

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB874 with 38 ayes, 2 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 874.

A BILL FOR AN ACT relating to community development; to amend sections 15-1301, 18-2101.01, 18-2104, 18-2107, 18-2109, 18-2113, 18-2116, 18-2117.01, 18-2122, 18-2125, 18-2127, 18-2129, 18-2133, 18-2134, 18-2137, 18-2138, 18-2140, 18-2141, 18-2142.01, 18-2143, 18-2144, 18-2145, and 18-2153, Reissue Revised Statutes of Nebraska, sections 13-2610, 18-2101, 18-2103, 18-2115, 18-2119, 18-2147, and 77-1704.01, Revised Statutes Cumulative Supplement, 2016, and sections 17-405.01 and 18-2102.01, Revised Statutes Supplement, 2017; to change the Community Development Law; to provide for audits by the Auditor of Public Accounts; to redefine terms; to change powers and duties of authorities; to change provisions relating to public hearings and notices; to require certain findings to be documented in writing; to require studies or analyses as prescribed; to change provisions relating to a cost-benefit analysis and a report to the Property Tax Administrator; to require an annual report on tax-increment financing; to restrict the reimbursement of costs for redevelopment projects using tax-increment financing as prescribed; to require retention of certain documents; to change provisions relating to certain redevelopment contracts, tax-increment financing, and certain property tax notices and receipts; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Riepe

Excused and not voting, 1:

Hilgers

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 936.

A BILL FOR AN ACT relating to the Legislative Performance Audit Act; to amend section 50-1209, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to tax incentive performance audits; to define terms; and to repeal the original section.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Hilgers

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

MOTION(S) - Recommit LB350 to Committee

Senator Murante offered his motion, MO230, found on page 755, to recommit LB350 to the Government, Military and Veterans Affairs Committee.

Senator Murante withdrew his motion to recommit to committee.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 350.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2264, Reissue Revised Statutes of Nebraska; to provide a procedure for setting aside convictions for misdemeanors and felonies as prescribed; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 30:

Baker	Friesen	Howard	Morfeld	Stinner
Blood	Groene	Kolowski	Pansing Brooks	Vargas
Bolz	Halloran	Krist	Quick	Walz
Chambers	Hansen	Lindstrom	Scheer	Wayne
Crawford	Harr	McCollister	Schumacher	Williams
Ebke	Hilkemann	McDonnell	Smith	Wishart

Voting in the negative, 11:

Albrecht	Erdman	Larson	Riepe
Bostelman	Geist	Lowe	Thibodeau
Clements	Kuehn	Murante	

Present and not voting, 6:

Brewer	Hughes	Linehan
Briese	Kolterman	Watermeier

Excused and not voting, 2:

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

MOTION(S) - Return LB775 to Select File

Senator Chambers moved to return LB775 to Select File for the following specific amendment:

FA118

Strike the enacting clause.

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

Voting in the affirmative, 1:

Lowe

Voting in the negative, 44:

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

Present and not voting, 3:

Chambers	Erdman	Krist
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Excused and not voting, 1:

Hilgers

The Chambers motion to return failed with 1 aye, 44 nays, 3 present and not voting, and 1 excused and not voting.

Senator Chambers offered the following motion:

MO268

Reconsider the vote taken to return to Select File.

SPEAKER SCHEER PRESIDING

The Chambers motion to reconsider failed with 2 ayes, 34 nays, 11 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB775 with 33 ayes, 1 nay, 14 present and not voting, and 1 excused and not voting.

MOTION(S) - Return LB775 to Select File

Senator Chambers moved to return LB775 to Select File for the following specific amendment:

FA119

Page 14, strike and show as stricken lines 6-12.

PRESIDENT FOLEY PRESIDING

Senator Stinner offered the following motion:

MO269

Invoke cloture pursuant to Rule 7, Sec. 10 .

The Stinner motion to invoke cloture prevailed with 46 ayes, 1 nay, and 2 excused and not voting.

The Chambers motion to return to Select File failed with 1 aye, 46 nays, and 2 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 775.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-201, Reissue Revised Statutes of Nebraska, and sections 73-101, 73-307, and 81-1701, Revised Statutes Cumulative Supplement, 2016; to adopt the State Park System Construction Alternatives Act; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

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

Voting in the negative, 1:

Chambers

Excused and not voting, 2:

Groene Hilgers

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

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 923. Placed on Select File with amendment.

ER132

- 1 1. On page 1, line 4, strike "agency" and after "employees" insert
- 2 "administering naloxone"; in line 5 after "violations" insert "regarding
- 3 alcoholic liquor"; and in line 6 strike "or persons who are mentally
- 4 incompetent".
- 5 2. On page 5, lines 12 and 14, strike "(4)(b) of this section" and
- 6 insert "(b) of this subsection"; and in line 21 strike "subdivisions" and
- 7 reinstate the stricken "subdivision".
- 8 3. On page 8, line 21, strike "subsections" and reinstate the
- 9 stricken "subsection".

LEGISLATIVE BILL 760. Placed on Select File with amendment.

ER130

- 1 1. On page 1, line 4, after "for" insert "retroactive".

LEGISLATIVE BILL 803. Placed on Select File with amendment.

ER131

- 1 1. On page 1, strike beginning with "children" in line 1 through
- 2 line 11 and insert "early childhood education; to amend section 79-1104,
- 3 Reissue Revised Statutes of Nebraska; to change State Board of Education
- 4 rulemaking authority as prescribed; to provide authority to exempt a
- 5 prekindergarten program from teacher and administrator certificate or
- 6 permit requirements; and to repeal the original section."

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 344. Placed on General File with amendment.
AM1453

- 1 1. Strike original sections 11 to 15 and insert the following new
- 2 section:
- 3 Sec. 11. Section 44-772, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 44-772 Substance abuse treatment center shall mean an institution
- 6 licensed as a substance abuse treatment center by the Department of
- 7 Health and Human Services ~~and defined in section 71-430~~, which provides a
- 8 program for the inpatient or outpatient treatment of alcoholism pursuant
- 9 to a written treatment plan approved and monitored by a physician and
- 10 which is affiliated with a hospital under a contractual agreement with an
- 11 established system for patient referral.
- 12 2. On page 11, line 5, after "jurisdiction" insert an underscored
- 13 comma.
- 14 3. On page 14, strike beginning with "The" in line 20 through line
- 15 23.
- 16 4. On page 23, lines 9 through 15 strike the new matter and insert
- 17 "Substance use disorder means a medical illness caused by repeat misuse
- 18 of a substance or substances, characterized by clinically significant
- 19 impairments in health, social function, and impaired control over
- 20 substance use and diagnosed through assessing cognitive, behavioral, and
- 21 psychological symptoms. Substance use disorders range from mild to severe
- 22 and from temporary to chronic.".
- 23 5. On page 24, lines 2 and 3, strike "only"; in lines 5 and 7 strike
- 24 the first occurrence of the word "only"; in lines 5 and 7 strike "admit
- 25 only persons with" and insert "treat persons whose primary need is
- 26 treatment for"; and in line 9 strike "admit" and insert "treat".
- 27 6. Renumber the remaining sections and correct internal references
- 1 and the repealer accordingly.

LEGISLATIVE BILL 1034. Placed on General File with amendment.
AM2322 is available in the Bill Room.

(Signed) Merv Riepe, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 352. Introduced by Lindstrom, 18.

PURPOSE: The purpose of this resolution is to study whether the Real Property Appraiser Act should be updated. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Real

Property Appraiser Board and should consider the input of interested persons as the study committee deems necessary and appropriate.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 17, 256, 321, 743, 750, 874, 936, 350, and 775.

WITHDRAW - Amendment(s) to LB44

Senator Smith withdrew his amendments, AM2246, AM2253, and AM2261, found on pages 843, 852, and 877, to LB44.

MOTION(S) - Return LB44 to Select File

Senator Watermeier moved to return LB44 to Select File for the following Watermeier-Smith specific amendment:

AM2433

(Amendments to Final Reading copy)

- 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 meet or exceed the level of activity
- 7 required under the commerce clause and due process clause of the United
- 8 States 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 of 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 first calendar quarter after a
 26 controlling United States Supreme Court decision or federal legislation
 27 abrogates the physical presence requirement of Quill Corp. v. North
 28 Dakota, 504 U.S. 298 (1992), or otherwise allows a state to impose sales
 29 and use tax collection requirements upon a person who lacks a physical
 30 presence in such state in circumstances similar to those specified in
 31 subsection (2) of this section.

1 Sec. 2. Section 77-2701.32, Reissue Revised Statutes of Nebraska, is
 2 amended to read:
 3 77-2701.32 (1) Retailer means any seller.
 4 (2) To facilitate the proper administration of the Nebraska Revenue
 5 Act of 1967, the following persons have the duties and responsibilities
 6 of sellers for the purposes of sales and use taxes:
 7 (a) Any person in the business of making sales subject to tax under
 8 section 77-2703 at auction of property owned by the person or others;
 9 (b) Any person collecting the proceeds of the auction, other than
 10 the owner of the property, together with his or her principal, if any,

11 when the person collecting the proceeds of the auction is not the
 12 auctioneer or an agent or employee of the auctioneer. The seller does not
 13 include the auctioneer in such case;

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

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

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

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

21 (3) For the proper administration of the Nebraska Revenue Act of
 22 1967, the following persons do not have the duties and responsibilities
 23 of a seller for purposes of sales and use taxes:

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

26 (b) Any person who leases or rents railroad rolling stock
 27 interchanged pursuant to the provisions of the federal Interstate
 28 Commerce Act;

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

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

9 (4) The changes made in this section by this legislative bill become
 10 operative on the first day of the first calendar quarter after a
 11 controlling United States Supreme Court decision or federal legislation
 12 abrogates the physical presence requirement of Quill Corp. v. North
 13 Dakota, 504 U.S. 298 (1992), or otherwise allows a state to impose sales
 14 and use tax collection requirements upon a person who lacks a physical
 15 presence in such state in circumstances similar to those specified in
 16 subsection (2) of section 77-2701.13.

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

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

21 2. On page 1, strike lines 3 through 10 and insert "redefine the
 22 term engaged in business in this state for purposes of sales and use
 23 taxes; to change the persons who have certain duties and responsibilities
 24 relating to sales and use taxes; to provide operative dates for statutory
 25 changes as prescribed; to repeal the original sections; and to declare an
 26 emergency."

Pending.

MOTION(S) - Recommit LB44 to Committee

Senator Chambers offered the following motion to LB44:

MO270

Recommit to the Revenue Committee.

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

Voting in the affirmative, 13:

Baker	Clements	Kuehn	Murante	Thibodeau
Brasch	Geist	Larson	Riepe	
Brewer	Krist	Low	Schumacher	

Voting in the negative, 30:

Albrecht	Ebke	Hilkemann	Linehan	Stinner
Blood	Erdman	Howard	McCollister	Vargas
Bolz	Friesen	Hughes	McDonnell	Walz
Bostelman	Groene	Kolowski	Morfeld	Watermeier
Briese	Hansen	Kolterman	Quick	Williams
Crawford	Harr	Lindstrom	Scheer	Wishart

Present and not voting, 3:

Chambers Pansing Brooks Smith

Excused and not voting, 3:

Halloran Hilgers Wayne

The Chambers motion to recommit to committee failed with 13 ayes, 30 nays, 3 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following motion:

MO271

Reconsider the motion to recommit to committee.

Senator Watermeier offered the following motion:

MO272

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Voting in the affirmative, 31:

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

Voting in the negative, 13:

Albrecht	Clements	Kuehn	Murante	Thibodeau
Brasch	Geist	Larson	Riepe	
Chambers	Krist	Lowe	Schumacher	

Present and not voting, 3:

Hilkemann	Lindstrom	Smith
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Excused and not voting, 2:

Hilgers	Wayne
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The Watermeier motion to invoke cloture failed with 31 ayes, 13 nays, 3 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 685. ER114, found on page 835, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 913. ER116, found on page 835, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 104. ER118, found on page 836, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 379. ER119, found on page 876, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 697. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 724. ER120, found on page 895, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 42. ER124, found on page 907, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 931. ER112, found on page 809, was adopted.

Senator Howard offered her amendment, AM2228, found on page 905.

The Howard amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1078. Senator Crawford offered her amendment, AM2318, found on page 909.

The Crawford amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Bolz offered the following amendment:

AM2434

1 1. Insert the following new sections:

2 Section 1. Section 43-285, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 43-285 (1) When the court awards a juvenile to the care of the

5 Department of Health and Human Services, an association, or an individual

6 in accordance with the Nebraska Juvenile Code, the juvenile shall, unless

7 otherwise ordered, become a ward and be subject to the legal custody and

8 care of the department, association, or individual to whose care he or

9 she is committed. Any such association and the department shall have

10 authority, by and with the assent of the court, to determine the care,

11 placement, medical services, psychiatric services, training, and

12 expenditures on behalf of each juvenile committed to it. Any such

13 association and the department shall be responsible for applying for any

14 health insurance available to the juvenile, including, but not limited

15 to, medical assistance under the Medical Assistance Act. Such custody and

16 care shall not include the guardianship of any estate of the juvenile.

17 (2)(a) Following an adjudication hearing at which a juvenile is

18 adjudged to be under subdivision (3)(a) or (c) of section 43-247, the

19 court may order the department to prepare and file with the court a

20 proposed plan for the care, placement, services, and permanency which are

21 to be provided to such juvenile and his or her family. The health and

22 safety of the juvenile shall be the paramount concern in the proposed

23 plan.

24 (b) The department shall provide opportunities for the child, in an

25 age or developmentally appropriate manner, to be consulted in the
26 development of his or her plan as provided in the Nebraska Strengthening
27 Families Act.

1 (c) The department shall include in the plan for a child who is
2 fourteen years of age or older and subject to the legal care and custody
3 of the department a written independent living transition proposal which
4 meets the requirements of section 43-1311.03 and, for eligible children,
5 the Young Adult Bridge to Independence Act. The juvenile court shall
6 provide a copy of the plan to all interested parties before the hearing.
7 The court may approve the plan, modify the plan, order that an
8 alternative plan be developed, or implement another plan that is in the
9 child's best interests. In its order the court shall include a finding
10 regarding the appropriateness of the programs and services described in
11 the proposal designed to help the child prepare for the transition from
12 foster care to a successful adulthood. The court shall also ask the
13 child, in an age or developmentally appropriate manner, if he or she
14 participated in the development of his or her plan and make a finding
15 regarding the child's participation in the development of his or her plan
16 as provided in the Nebraska Strengthening Families Act. Rules of evidence
17 shall not apply at the dispositional hearing when the court considers the
18 plan that has been presented.

19 (d) The last court hearing before jurisdiction pursuant to
20 subdivision (3)(a) of section 43-247 is terminated for a child who is
21 sixteen years of age or older shall be called the independence hearing.
22 In addition to other matters and requirements to be addressed at this
23 hearing, the independence hearing shall address the child's future goals
24 and plans and access to services and support for the transition from
25 foster care to adulthood consistent with section 43-1311.03 and the Young
26 Adult Bridge to Independence Act. The child shall not be required to
27 attend the independence hearing, but efforts shall be made to encourage
28 and enable the child's attendance if the child wishes to attend,
29 including scheduling the hearing at a time that permits the child's
30 attendance. An independence coordinator as provided in section 43-4506
31 shall attend the hearing if reasonably practicable, but the department is
1 not required to have legal counsel present. At the independence hearing,
2 the court shall advise the child about the bridge to independence
3 program, including, if applicable, the right of young adults in the
4 bridge to independence program to request a court-appointed, client-
5 directed attorney under subsection (1) of section 43-4510 and the
6 benefits and role of such attorney and to request additional permanency
7 review hearings in the bridge to independence program under subsection
8 (5) of section 43-4508 and how to request such a hearing. The court shall
9 also advise the child, if applicable, of the rights he or she is giving
10 up if he or she chooses not to participate in the bridge to independence
11 program and the option to enter such program at any time between nineteen
12 and twenty-one years of age if the child meets the eligibility
13 requirements of section 43-4504. The department shall present information
14 to the court regarding other community resources that may benefit the
15 child, specifically information regarding state programs established

16 pursuant to 42 U.S.C. 677. The court shall also make a finding as to
17 whether the child has received the documents as required by subsection
18 (9) of section 43-1311.03.

19 ~~(3)(a)~~ ~~(3)~~ Within thirty days after an order awarding a juvenile to
20 the care of the department, an association, or an individual and until
21 the juvenile reaches the age of majority, the department, association, or
22 individual shall file with the court a report stating the location of the
23 juvenile's placement and the needs of the juvenile in order to effectuate
24 the purposes of subdivision (1) of section 43-246. The department,
25 association, or individual shall file a report with the court once every
26 six months or at shorter intervals if ordered by the court or deemed
27 appropriate by the department, association, or individual. Every six
28 months, the report shall provide an updated statement regarding the
29 eligibility of the juvenile for health insurance, including, but not
30 limited to, medical assistance under the Medical Assistance Act. The
31 department shall also concurrently file a written sibling placement
1 report as described in subsection (3) of section 43-1311.02 at these
2 times.

3 (b) The department, association, or individual shall file a report
4 and notice of placement change with the court and shall send copies of
5 the notice to all interested parties, including all of the child's
6 siblings that are known to the department, at least seven days before the
7 placement of the juvenile is changed from what the court originally
8 considered to be a suitable family home or institution to some other
9 custodial situation in order to effectuate the purposes of subdivision
10 (1) of section 43-246. The department, association, or individual shall
11 afford a parent or an adult sibling the option of refusing to receive
12 such notifications. The court, on its own motion or upon the filing of an
13 objection to the change by an interested party, may order a hearing to
14 review such a change in placement and may order that the change be stayed
15 until the completion of the hearing. Nothing in this section shall
16 prevent the court on an ex parte basis from approving an immediate change
17 in placement upon good cause shown. The department may make an immediate
18 change in placement without court approval only if the juvenile is in a
19 harmful or dangerous situation or when the foster parents request that
20 the juvenile be removed from their home. Approval of the court shall be
21 sought within twenty-four hours after making the change in placement or
22 as soon thereafter as possible.

23 (c) The department shall provide the juvenile's guardian ad litem
24 with a copy of any report filed with the court by the department pursuant
25 to this subsection.

26 (4) The court shall also hold a permanency hearing if required under
27 section 43-1312.

28 (5) When the court awards a juvenile to the care of the department,
29 an association, or an individual, then the department, association, or
30 individual shall have standing as a party to file any pleading or motion,
31 to be heard by the court with regard to such filings, and to be granted
1 any review or relief requested in such filings consistent with the
2 Nebraska Juvenile Code.

3 (6) Whenever a juvenile is in a foster care placement as defined in
4 section 43-1301, the Foster Care Review Office or the designated local
5 foster care review board may participate in proceedings concerning the
6 juvenile as provided in section 43-1313 and notice shall be given as
7 provided in section 43-1314.

8 (7) Any written findings or recommendations of the Foster Care
9 Review Office or the designated local foster care review board with
10 regard to a juvenile in a foster care placement submitted to a court
11 having jurisdiction over such juvenile shall be admissible in any
12 proceeding concerning such juvenile if such findings or recommendations
13 have been provided to all other parties of record.

14 (8) The executive director and any agent or employee of the Foster
15 Care Review Office or any member of any local foster care review board
16 participating in an investigation or making any report pursuant to the
17 Foster Care Review Act or participating in a judicial proceeding pursuant
18 to this section shall be immune from any civil liability that would
19 otherwise be incurred except for false statements negligently made.
20 Sec. 2. Section 43-1311.02, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 43-1311.02 (1)(a) Reasonable efforts shall be made to place a child
23 and the child's siblings in the same foster care placement or adoptive
24 placement, unless such placement is contrary to the safety or well-being
25 of any of the siblings. This requirement applies even if the custody
26 orders of the siblings are made at separate times and even if the
27 children have no preexisting relationship.

28 (b) If the siblings are not placed together in a joint-sibling
29 placement, the Department of Health and Human Services shall provide the
30 siblings and the court with the reasons why a joint-sibling placement
31 would be contrary to the safety or well-being of any of the siblings.

1 (2) When siblings are not placed together in a joint-sibling
2 placement, the department shall make a reasonable effort to provide for
3 frequent sibling visitation or ongoing interaction between the child and
4 the child's siblings unless the department provides the siblings and the
5 court with reasons why such sibling visitation or ongoing interaction
6 would be contrary to the safety or well-being of any of the siblings. The
7 court shall determine the type and frequency of sibling visitation or
8 ongoing interaction to be implemented by the department. The court shall
9 make a determination as to whether reasonable efforts have been made by
10 the department to facilitate sibling placement and sibling visitation or
11 other ongoing interaction and whether such placement and visitation or
12 other ongoing interaction is contrary to safety or well-being of any of
13 the siblings.

14 (3) The department shall file a written sibling placement report as
15 required by subsection (3) of section 43-285. Such a report shall include
16 the reasonable efforts of the department to locate the child's siblings
17 and, if a joint-sibling placement is made, whether such placement
18 continues to be consistent with the safety and well-being of the
19 children. If joint-sibling placement is not possible, the report shall
20 include the reasons why a joint-sibling placement is and continues to be

21 contrary to the safety or well-being of any of the siblings, the
22 department's continuing reasonable efforts to place a child with a
23 sibling in the same foster care or adoptive placement, and the
24 department's continuing reasonable efforts to facilitate sibling
25 visitation.

26 (4) Parties to the case, including a child's sibling, may file a
27 motion for joint-sibling placement, sibling visitation, or ongoing
28 interaction between siblings.

29 (5) (4) The court shall periodically review and evaluate the
30 effectiveness and appropriateness of the joint-sibling placement, sibling
31 visitation, or ongoing interaction between siblings.

1 (6) (5) If an order is entered for termination of parental rights of
2 siblings who are subject to this section, unless the court has suspended
3 or terminated joint-sibling placement, sibling visitation, or ongoing
4 interaction between siblings, the department shall make reasonable
5 efforts to make a joint-sibling placement or do all of the following to
6 facilitate frequent sibling visitation or ongoing interaction between the
7 child and the child's siblings when the child is adopted or enters a
8 permanent placement: (a) Include in the training provided to prospective
9 adoptive parents information regarding the importance of sibling
10 relationships to an adopted child and counseling methods for maintaining
11 sibling relationships; (b) provide prospective adoptive parents with
12 information regarding the child's siblings; and (c) encourage prospective
13 adoptive parents to plan for facilitating post-adoption contact between
14 the child and the child's siblings.

15 (7) (6) Any information regarding court-ordered or authorized joint-
16 sibling placement, sibling visitation, or ongoing interaction between
17 siblings shall be provided by the department to the parent or parents if
18 parental rights have not been terminated unless the court determines that
19 doing so would be contrary to the safety or well-being of the child and
20 to the foster parent, relative caretaker, guardian, prospective adoptive
21 parent, and child as soon as reasonably possible following the entry of
22 the court order or authorization as necessary to facilitate the sibling
23 time.

24 (8) (7) For purposes relative to the administration of the federal
25 foster care program and the state plans pursuant to Title IV-B and Title
26 IV-E of the federal Social Security Act, as such act existed on January
27 1, 2015, the term sibling means an individual considered to be a sibling
28 under Nebraska law or an individual who would have been considered a
29 sibling but for a termination of parental rights or other disruption of
30 parental rights such as death of a parent.

31 (9) A sibling of a child under the jurisdiction of the court shall
1 have the right to intervene at any point in the proceedings for the
2 limited purpose of seeking joint-sibling placement, sibling visitation,
3 or ongoing interaction with their sibling.

4 (10) This section shall not be construed to subordinate the rights
5 of foster or adoptive parents of a child to the rights of the parents of
6 a sibling of that child or to subordinate the rights of an adoptive,
7 foster, or biological parent to the rights of a child seeking sibling

8 placement or visitation.

9 2. Renumber the remaining sections and amend the repealer
10 accordingly.

The Bolz amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 773. ER113, found on page 835, was adopted.

Senator Lindstrom offered his amendment, AM2367, found on page 973.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 702. ER123, found on page 896, was adopted.

Senator Chambers offered his amendment, AM2244, found on page 952.

The Chambers amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1090. ER125, found on page 915, was adopted.

Senator Smith withdrew his amendment, AM1703, found on page 671.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 993. ER126, found on page 926, was adopted.

Senator Friesen offered his amendment, AM2385, found on page 944.

The Friesen amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 157. Senator Friesen withdrew his amendment, AM1906, found on page 702.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 903. Title read. Considered.

Committee AM2215, found on page 852, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 745. Title read. Considered.

Committee AM1910, found on page 642, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1098. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 901. Title read. Considered.

Committee AM1726, found on page 672, was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 15, 2018, at 11:34 a.m. were the following: LBs 17, 256, 321, 743, 750, 874, 936, 350, and 775.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

AMENDMENT(S) - Print in Journal

Senator Harr filed the following amendment to LB861:
AM2436

(Amendments to AM2285)

- 1 1. Strike section 6 and insert the following new section:
- 2 Sec. 6. Due to the absence, sickness, disability, or conflict of
- 3 interest of the Attorney General and his or her assistants, or upon
- 4 request of the Attorney General for good cause, the Supreme Court, the
- 5 Court of Appeals, or any district court, separate juvenile court, or

6 county court before which the cause may be heard may appoint an attorney
7 to act as Attorney General or as an assistant Attorney General in any
8 investigation, appearance, or trial by an order entered upon the minutes
9 of the court. Such attorney shall be allowed compensation for such
10 services as the court determines, to be paid by the Department of
11 Administrative Services upon presenting to the department the certificate
12 of the judge before whom the cause was tried certifying to services
13 rendered by such attorney and the amount of compensation.

VISITORS

Visitors to the Chamber were former Mayor and Senator from Ireland, Timmy Conway; 30 members of Perspectives in Psychology class from UNL; members of the Nebraska Association of Behavioral Health Organizations from across the state; 17 fourth-grade students from Immanuel Lutheran School, Columbus; 44 fourth-grade students from Montclair Elementary, Millard; 20 members of Leadership Tomorrow from Hall County; 48 fourth-grade students and teacher from Washington Elementary, Norfolk; and Senator Wishart's intern, Rian Kirby, from Gretna.

The Doctor of the Day was Dr. Carol LaCroix from Omaha.

ADJOURNMENT

At 1:43 p.m., on a motion by Senator Krist, the Legislature adjourned until 9:00 a.m., Tuesday, March 20, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIFTH DAY - MARCH 20, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 20, 2018

PRAYER

The prayer was offered by Dr. Darrell Sutton, Revival Tabernacle Church, Red Cloud.

ROLL CALL

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

The roll was called and all members were present except Senators Albrecht, Bolz, Ebke, Kolowski, Kuehn, McCollister, Morfeld, Murante, Stinner, Thibodeau, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 299. Placed on Select File with amendment.

ER133

1 1. On page 1, strike beginning with "sections" in line 2 through
2 "2016" in line 4 and insert "section 84-910, Reissue Revised Statutes of
3 Nebraska, sections 84-901.02 and 84-920, Revised Statutes Cumulative
4 Supplement, 2016, and section 84-907.06, Revised Statutes Supplement,
5 2017".

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Briese filed the following amendment to LB1084:
AM2453 is available in the Bill Room.

Senator Briese filed the following amendment to LB1084:
FA120
Strike Section 1.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 343, 344, 345, 346, 347, 348, 349, and 350 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 343, 344, 345, 346, 347, 348, 349, and 350.

MOTION(S) - Confirmation Report(s)

Senator Friesen moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 920:

Nebraska Information Technology Commission
 LaShonna Dorsey
 Terry Haack
 Dorest Harvey
 Thomas Nutt
 Gerald Warren
 Walter G. Weir

Voting in the affirmative, 32:

Baker	Clements	Hilkemann	McDonnell	Vargas
Blood	Crawford	Howard	Pansing Brooks	Walz
Bostelman	Erdman	Kolterman	Quick	Watermeier
Brasch	Friesen	Krist	Riepe	Williams
Brewer	Groene	Larson	Scheer	
Briese	Halloran	Lindstrom	Schumacher	
Chambers	Hilgers	Linehan	Smith	

Voting in the negative, 0.

Present and not voting, 4:

Hansen	Harr	Hughes	Lowe
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Excused and not voting, 13:

Albrecht	Geist	McCollister	Stinner	Wishart
Bolz	Kolowski	Morfeld	Thibodeau	
Ebke	Kuehn	Murante	Wayne	

The appointments were confirmed with 32 ayes, 0 nays, 4 present and not voting, and 13 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 996:

Division of Medicaid and Long Term Care-Department of Health and Human Services
 Matthew A. Van Patton, Director

Voting in the affirmative, 28:

Albrecht	Erdman	Hughes	Linehan	Smith
Bostelman	Geist	Kolowski	McCollister	Watermeier
Brewer	Groene	Kolterman	McDonnell	Wayne
Briese	Halloran	Kuehn	Riepe	Williams
Clements	Hilgers	Larson	Scheer	
Crawford	Hilkemann	Lindstrom	Schumacher	

Voting in the negative, 0.

Present and not voting, 16:

Baker	Friesen	Krist	Quick
Brasch	Hansen	Lowe	Thibodeau
Chambers	Harr	Morfeld	Vargas
Ebke	Howard	Pansing Brooks	Walz

Excused and not voting, 5:

Blood	Bolz	Murante	Stinner	Wishart
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The appointment was confirmed with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 996:

Commission for the Deaf and Hard of Hearing
 Jeremy Fitzpatrick
 Stacie L. Ray
 Diane Schutt
 Norman B. Weverka

Voting in the affirmative, 25:

Baker	Crawford	Hansen	Kuehn	Riepe
Bostelman	Ebke	Harr	Lindstrom	Smith
Brewer	Erdman	Hilgers	McCollister	Watermeier
Briese	Geist	Hilkemann	McDonnell	Wayne
Clements	Groene	Howard	Pansing Brooks	Williams

Voting in the negative, 0.

Present and not voting, 20:

Albrecht	Halloran	Krist	Morfeld	Stinner
Brasch	Hughes	Larson	Quick	Thibodeau
Chambers	Kolowski	Linehan	Scheer	Vargas
Friesen	Kolterman	Lowe	Schumacher	Walz

Excused and not voting, 4:

Blood	Bolz	Murante	Wishart
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The appointments were confirmed with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 42. Placed on Final Reading.
LEGISLATIVE BILL 104. Placed on Final Reading.
LEGISLATIVE BILL 157. Placed on Final Reading.
LEGISLATIVE BILL 379. Placed on Final Reading.
LEGISLATIVE BILL 685. Placed on Final Reading.
LEGISLATIVE BILL 697. Placed on Final Reading.
LEGISLATIVE BILL 702. Placed on Final Reading.
LEGISLATIVE BILL 724. Placed on Final Reading.

LEGISLATIVE BILL 773. Placed on Final Reading.
 ST48

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

1. On page 1, line 1, "section" has been struck and "sections 28-632, 28-634, and" inserted; in line 2 "to redefine terms; to change provisions relating to prohibited uses of scanning devices and encoding machines;" has been inserted after the semicolon; and in line 4 "section" has been struck and "sections" inserted.

2. On page 3, line 4, "section" has been struck and "sections 28-632, 28-634, and" inserted; and in line 5 "is" has been struck and "are" inserted.

LEGISLATIVE BILL 913. Placed on Final Reading.
LEGISLATIVE BILL 931. Placed on Final Reading.
LEGISLATIVE BILL 993. Placed on Final Reading.

LEGISLATIVE BILL 1078. Placed on Final Reading.
 ST47

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

1. In the Bolz amendment, page 6, line 12, "the" has been inserted after "to".
2. On page 1, the matter beginning with "the" in line 1 through line 5 has been struck and "juveniles; to amend sections 43-285 and 43-1311.02, Reissue Revised Statutes of Nebraska, and sections 43-1303, 43-4318, and 43-4406, Revised Statutes Supplement, 2017; to provide for waiver of notice of placement notifications; to provide for a written sibling placement report and change provisions relating to sibling visitation and placement; to provide for additional information relating to foster care placements as prescribed; to require reporting of allegations of sexual abuse as prescribed; to eliminate obsolete provisions regarding the N-FOCUS system; to harmonize provisions; and to repeal the original sections." inserted.
3. On page 8, line 7, "43-4318" has been struck and "43-285 and 43-1311.02, Reissue Revised Statutes of Nebraska, and sections 43-1303, 43-4318," inserted.

LEGISLATIVE BILL 1090. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 993A. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 993, One Hundred Fifth Legislature, Second Session, 2018; and to declare an emergency.

AMENDMENT(S) - Print in Journal

Senator Krist filed the following amendment to LB1090:
FA121
Strike the enacting clause.

GENERAL FILE

LEGISLATIVE BILL 596. Senator Chambers withdrew his motion, MO239, found on page 829 and considered on page 853, to bracket until April 4, 2018.

Senator Chambers offered the following motion:
MO273
Bracket until April 18, 2018.

Senator Chambers withdrew his motion to bracket.

Senator Groene withdrew his amendment, AM1500, found on page 453.

Senator Kuehn withdrew his amendment, FA112, found on page 828.

Committee AM621, found on page 971, First Session, 2017, and considered on pages 828 and 853, was renewed.

Senator Groene offered his amendment, AM2315, found on page 921, to the committee amendment.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Baker moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Groene amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 903. Placed on Select File with amendment.

ER134

1 1. On page 1, strike lines 2 through 6 and insert "81-2237, 81-2238,
2 81-2239, 81-2242, 81-2243, 81-2244, 81-2245, 81-2246, 81-2247, 81-2248,
3 81-2250, 81-2251, 81-2252, 81-2253, 81-2254, 81-2255, 81-2258, 81-2259,
4 81-2260, 81-2261, 81-2262, and 81-2264, Reissue Revised Statutes of
5 Nebraska; to change reimbursement provisions under the Nebraska Community
6 Aging Services Act; to change provisions of the Long-Term Care Ombudsman
7 Act relating to complaints and investigations, rulemaking authority,
8 long-term care facility residents, resident representatives, and access
9 to medical and personal records; to define and redefine terms; to
10 harmonize provisions; to repeal the original sections; and to declare an
11 emergency."

LEGISLATIVE BILL 745. Placed on Select File.

LEGISLATIVE BILL 1098. Placed on Select File.

LEGISLATIVE BILL 901. Placed on Select File with amendment.

ER135

1 1. On page 1, strike beginning with "3-404" in line 1 through line 5
2 and insert "3-402, Revised Statutes Cumulative Supplement, 2016, and

3 section 3-404, Revised Statutes Supplement, 2017; to define a term; to
 4 change permit application and issuance requirements relating to
 5 regulation of certain structures by the Division of Aeronautics of the
 6 Department of Transportation; to provide a duty for the Nebraska National
 7 Guard as prescribed; to harmonize provisions; and to repeal the original
 8 sections.".

(Signed) Anna Wishart, Chairperson

GENERAL FILE

LEGISLATIVE BILL 873. Title read. Considered.

Committee AM2065, found on page 807, was offered.

Senator Chambers offered his amendment, AM2370, found on page 936, to the committee amendment.

The Chambers amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Senator Morfeld offered his amendment, AM2259, found on page 991, to the committee amendment.

SPEAKER SCHEER PRESIDING

Senator Schumacher requested a division of the question on the Morfeld amendment.

The Chair sustained the division of the question.

The first Morfeld amendment, to the committee amendment, is as follows:
 AM2519

(Amendments to Standing Committee amendments, AM2065)

1 1. Insert the following new sections:

2 Sec. 104. (1) For purposes of this section:

3 (a) Municipality means a city or village; and

4 (b) Short-term rental means a residential property, including a
 5 single-family dwelling or a unit in a condominium, cooperative, or time-
 6 share, that is rented wholly or partly for a fee for a period not longer
 7 than thirty consecutive days.

8 (2) A municipality shall not adopt or enforce an ordinance or other
 9 regulation that expressly or effectively prohibits the use of a property
 10 as a short-term rental.

11 (3) A municipality may adopt or enforce an ordinance or other
 12 regulation that specifically regulates property used as a short-term
 13 rental only if the municipality demonstrates that the primary purpose of
 14 the ordinance or other regulation is to protect the public's health and
 15 safety. An ordinance or other regulation authorized by this subsection

16 includes:

17 (a) Requirements addressing:

18 (i) Fire and building codes;

19 (ii) Health and sanitation;

20 (iii) Traffic control; and

21 (iv) Solid or hazardous waste and pollution control; and

22 (b) Requirements regarding the designation of an emergency contact

23 for the property.

24 (4) A municipality may adopt or enforce an ordinance or other

25 regulation that imposes a sales tax or an occupation tax on short-term

26 rentals if the tax is otherwise permitted by applicable law.

1 (5) A municipality may adopt or enforce an ordinance or other

2 regulation that limits or prohibits the use of a short-term rental only

3 if the law limits or prohibits the use of a short-term rental for the

4 purpose of:

5 (a) Housing sex offenders;

6 (b) Operating a structured sober living home or similar enterprise;

7 (c) Selling illegal drugs;

8 (d) Selling alcohol or another activity that requires a permit or

9 license under the Nebraska Liquor Control Act; or

10 (e) Operating a sexually oriented business.

11 (6) A municipality shall apply an ordinance or other regulation

12 regulating land use to a short-term rental in the same manner as another

13 similar property. An ordinance or other regulation described by this

14 subsection includes:

15 (a) Residential use and other zoning matters;

16 (b) Noise and other nuisances; and

17 (c) Property maintenance.

18 (7) This section shall not be construed to affect regulations of a

19 private entity, including a homeowners association organized under the

20 Condominium Property Act or the Nebraska Condominium Act.

21 Sec. 343. Section 77-2701, Revised Statutes Supplement, 2017, is

22 amended to read:

23 77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, 77-27,235,

24 77-27,236, and 77-27,238 and section 344 of this act shall be known and

25 may be cited as the Nebraska Revenue Act of 1967.

26 Sec. 344. (1) For purposes of this section, online hosting platform

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

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

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

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

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

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

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

3 such room or rooms, lodgings, or accommodations.

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

5 hosting platform to permit the online hosting platform to collect and pay

6 the applicable sales taxes imposed under the Local Option Revenue Act,

7 the Nebraska Revenue Act of 1967, the Nebraska Visitors Development Act,

8 and sections 13-318 to 13-326 and 13-2813 to 13-2816 on behalf of the
 9 seller or hotel operator otherwise required to collect such taxes for
 10 transactions consummated through the online hosting platform. Upon
 11 entering into such agreement with the online hosting platform, the Tax
 12 Commissioner shall waive the tax collection responsibility of a seller or
 13 hotel operator for transactions consummated through the online hosting
 14 platform for which the online hosting platform has assumed this
 15 responsibility. The online hosting platform shall give written notice to
 16 each seller or hotel operator which is covered by the agreement between
 17 the online hosting platform and the Tax Commissioner.
 18 (3) Upon entering into an agreement with the Tax Commissioner under
 19 this section, the online hosting platform shall report aggregate
 20 information on the tax return prescribed by the Tax Commissioner,
 21 including an aggregate of gross receipts, exemptions, adjustments, and
 22 taxable receipts of all transactions subject to the agreement.
 23 Sec. 345. The Revisor of Statutes shall assign section 104 of this
 24 act to Chapter 18.
 25 2. Renumber the remaining sections and correct the repealer
 26 accordingly.

The second Morfeld amendment, to the committee amendment, is as follows:
 AM2520

(Amendments to Standing Committee amendments, AM2065)

1 1. Insert the following new subsection:
 2 "(4) Taxes payable by an online hosting platform on transactions
 3 subject to the agreement shall be subject to audit only by the Tax
 4 Commissioner at his or her sole discretion. Any such audit shall be
 5 conducted on the basis of returns and supporting documents filed by the
 6 online hosting platform with the Tax Commissioner. An online hosting
 7 platform shall not be required to disclose any personally identifiable
 8 information relating to any seller, hotel operator, purchaser, or
 9 occupant involved in any such transaction."

Pending.

AMENDMENT(S) - Print in Journal

Senator Stinner filed the following amendment to LB944:
 AM2464

(Amendments to Standing Committee amendments, AM1699)

1 1. Purpose: Correct an omission of an appropriation that should have
 2 been included in the original amendment.

3 Amendment:

4 a. Insert the following new section:

5 Sec. 7. AGENCY NO. 14 — PUBLIC SERVICE COMMISSION
 6 Program No. 60 - Grain Warehouse Surveillance/Moisture Testing

	<u>FY2017-18</u>	<u>FY2018-19</u>
8 <u>CASH FUND</u>	<u>24,000</u>	<u>-0-</u>
9 <u>PROGRAM TOTAL</u>	<u>24,000</u>	<u>-0-</u>

- 10 SALARY LIMIT -0- -0-
 11 ; and
 12 b. Renumber the remaining sections and correct internal references
 13 accordingly.
 14 2. Purpose: Eliminate an incorrect federal regulation reference.
 15 Amendment:
 16 a. On page 45, line 25, strike the first comma and insert "or" and
 17 strike ", or 333(g)".
 18 3. Purpose: To add a fund created in LB945 to the list of cash funds
 19 in the Department of Economic Development.
 20 Amendment:
 21 a. On page 102, line 5, after "Fund" insert ", Nebraska Film Office
 22 Fund".
 23 4. Purpose: Eliminate unnecessary Health Care Cash Fund transfers.
 24 Amendment:
 25 a. On page 111, strike lines 11 and 12 and show as stricken; in line
 26 13 strike "(cc)", show as stricken, and insert "(bb)"; in line 17 strike
 1 "(dd)", show as stricken, and insert "(cc)"; in line 21 strike "(ee)",
 2 show as stricken, and insert "(dd)"; in line 25 strike "(ff)", show as
 3 stricken, and insert "(ee)"; and in line 29 strike "(gg)", show as
 4 stricken, and insert "(ff)";
 5 b. On page 112, line 2, strike "(hh)", show as stricken, and insert
 6 "(gg)"; in line 6 strike "(ii)", show as stricken, and insert "(hh)"; in
 7 line 10 strike "(jj)", show as stricken, and insert "(ii)"; in line 14
 8 strike "(kk)", show as stricken, and insert "(jj)"; in line 18 strike
 9 "(ll)", show as stricken, and insert "(kk)"; in line 22 strike "(mm)",
 10 show as stricken, and insert "(ll)"; and in line 26 strike "(nn)" and
 11 insert "(mm)";
 12 c. On page 116, strike lines 14 and 15 and show as stricken; in line
 13 16 strike "(z)", show as stricken, and insert "(y)"; in line 20 strike
 14 "(aa)", show as stricken, and insert "(z)"; in line 24 strike "(bb)" and
 15 insert "(aa)"; and in line 28 strike "(cc)" and insert "(bb)"; and
 16 d. On page 117, line 1, strike "(dd)" and insert "(cc)"; in line 5
 17 strike "(ee)" and insert "(dd)"; and in line 9 strike "(ff)" and insert
 18 "(ee)".
 19 5. Purpose: Correct the intended cut to health insurance for the Tax
 20 Commissioner, adding \$536.
 21 Amendment:
 22 a. On page 124, line 11, strike "163,398" and insert "163,934"; and
 23 in line 13 strike "212,459" and insert "212,995".

Senator Stinner filed the following amendment to LB945:
 AM2463

(Amendments to Standing Committee amendments, AM1700)

- 1 Purpose: To include interest accruals in the funds to be
 2 transferred from the Nebraska Progress Loan Fund to the Intern Nebraska
 3 Cash Fund.
 4 Amendment:
 5 On page 2, line 4, after "Fund" insert "plus any accrued interest".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 353. Introduced by Lowe, 37; Halloran, 33.

PURPOSE: The purpose of this study is to determine the feasibility and fiscal impact of hiring outside consultants to perform an efficiency review of state agencies. The people of this state expect that their government will efficiently provide services and will responsibly and effectively spend tax dollars. With the great fiscal challenges facing the state, these expectations and challenges require occasional review of the ways state agencies conduct business.

An efficiency review means a study to identify:

- (1) Areas of state agency operations that can be improved to make the delivery of services more cost-effective;
- (2) Outdated practices that can be eliminated;
- (3) Increased statewide efficiencies;
- (4) Potential new sources of non-tax funding; and
- (5) Methods to make state agencies more accountable to the people of the state.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McCollister name added to LB1132.

VISITORS

Visitors to the Chamber were Trevor Brass and Kimberly Barton from UNL Law School; 12 members of the YMCA's of Nebraska from across the state; 20 third-grade students from College View Academy, Lincoln; 20 twelfth-grade students from Lincoln Northeast High School; 63 fourth-grade students from Trumble Park Elementary, Papillion; Alex Schadenberg from London, Ontario; and 20 civic students, teacher, and sponsor from Lincoln Northeast.

RECESS

At 11:53 a.m., on a motion by Senator McDonnell, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Briese, Chambers, Groene, Kolterman, Kuehn, McCollister, Stinner, and Watermeier who were excused until they arrive.

AMENDMENT(S) - Print in Journal

Senator Wishart filed the following amendment to LB944:
AM2514

(Amendments to Standing Committee amendments, AM1699)

1 1. On page 48, strike lines 5 through 18 and insert:
2 "No funds appropriated or distributed under the Federal Title X
3 program shall be used for abortion or abortion as a method of family
4 planning. No funds shall be granted to an organization that provides
5 directive counseling in favor of abortion.
6 Title X organizations shall provide neutral, factual information,
7 nondirective counseling, or referral upon request. An otherwise qualified
8 organization shall not be disqualified from receipt of Title X funds when
9 the organization can demonstrate objective independence between their
10 Title X services and other services not funded by Title X funds,
11 including abortion services. Objective independence means financial
12 separation of a recipient's Title X funding from all other funds held by
13 the organization in accordance with accounting standards promulgated by
14 the Financial Accounting Standards Board. An organization shall not use
15 Title X funds for any other services, including, but not limited to,
16 abortion services.
17 To demonstrate financial separation, each Title X organization shall
18 provide a detailed monthly record of Title X expenditures to the
19 Department of Health and Human Services on the last business day of the
20 month subsequent to the month the expenditure occurred. Failure to comply
21 with this monthly reporting requirement shall result in program
22 disqualification for such organization.
23 It is the intent of the Legislature that Title X funds shall be
24 distributed statewide and that the Department of Health and Human
25 Services shall ensure that a network is maintained that is sufficient in
26 numbers and types of providers to assure that Title X services will be
1 accessible without unreasonable delay.".

Senator Wishart filed the following amendment to LB944:
AM2515

(Amendments to Final Reading copy)

1 1. On page 48, strike lines 5 through 18 and insert:
2 "No funds appropriated or distributed under the Federal Title X
3 program shall be used for abortion or abortion as a method of family
4 planning. No funds shall be granted to an organization that provides
5 directive counseling in favor of abortion.
6 Title X organizations shall provide neutral, factual information,
7 nondirective counseling, or referral upon request. An otherwise qualified
8 organization shall not be disqualified from receipt of Title X funds when
9 the organization can demonstrate objective independence between their
10 Title X services and other services not funded by Title X funds,
11 including abortion services. Objective independence means financial
12 separation of a recipient's Title X funding from all other funds held by
13 the organization in accordance with accounting standards promulgated by
14 the Financial Accounting Standards Board. An organization shall not use
15 Title X funds for any other services, including, but not limited to,
16 abortion services.
17 To demonstrate financial separation, each Title X organization shall
18 provide a detailed monthly record of Title X expenditures to the
19 Department of Health and Human Services on the last business day of the
20 month subsequent to the month the expenditure occurred. Failure to comply
21 with this monthly reporting requirement shall result in program
22 disqualification for such organization.
23 It is the intent of the Legislature that Title X funds shall be
24 distributed statewide and that the Department of Health and Human
25 Services shall ensure that a network is maintained that is sufficient in
26 numbers and types of providers to assure that Title X services will be
1 accessible without unreasonable delay."

Senator Blood filed the following amendment to LB295:
AM2052

(Amendments to Standing Committee amendments, AM1418)

1 1. Insert the following new section:
2 Sec. 12. (1) Each qualified school that admits and enrolls students
3 who receive education scholarships shall conduct a public hearing on its
4 annual budget prior to adopting the budget. Notice of the time and place
5 of such hearing, together with a summary of the budget, shall be
6 published at least four calendar days prior to the date set for hearing
7 in a newspaper of general circulation within the county in which the
8 qualified school is located. The qualified school's budget shall include:
9 (a) The total amount of education scholarships received in the prior
10 year, how such funds will be used for the coming year, and the percentage
11 of such funds that will be utilized for costs directly related to the
12 classroom, for costs of educational administration, and for other
13 purposes; and
14 (b) The cost of tuition charged to students who receive education
15 scholarships and the cost of tuition charged to students who do not

- 16 receive education scholarships, including any indices or tuition scales.
 17 (2) Following the public hearing required under subsection (1) of
 18 this section, the qualified school shall file its budget with the Auditor
 19 of Public Accounts.
 20 2. On page 1, line 3, strike "13" and insert "14".
 21 3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 873. The first Morfeld amendment, AM2519, found in this day's Journal, to the committee amendment, was offered.

The first Morfeld amendment was adopted with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

The second Morfeld amendment, AM2520, found in this day's Journal, to the committee amendment, was offered.

The second Morfeld amendment lost with 3 ayes, 25 nays, 16 present and not voting, and 5 excused and not voting.

Committee AM2065, found on page 807 and considered in this day's Journal, as amended, was renewed.

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

Senator Wayne requested a roll call vote on the committee amendment, as amended.

Voting in the affirmative, 27:

Baker	Hansen	Krist	Quick	Wayne
Blood	Harr	Lindstrom	Riepe	Williams
Bolz	Hilkemann	McCollister	Smith	Wishart
Briese	Howard	McDonnell	Stinner	
Chambers	Kolowski	Morfeld	Vargas	
Crawford	Kolterman	Pansing Brooks	Walz	

Voting in the negative, 14:

Albrecht	Clements	Geist	Hilgers	Larson
Bostelman	Ebke	Groene	Hughes	Lowe
Brewer	Erdman	Halloran	Kuehn	

Present and not voting, 5:

Linehan	Murante	Scheer	Schumacher	Thibodeau
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Excused and not voting, 3:

Brasch Friesen Watermeier

The committee amendment, as amended, was adopted with 27 ayes, 14 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Larson offered the following motion:

MO275

Indefinitely postpone.

Senator Larson withdrew his motion to indefinitely postpone.

Senator Geist offered the following amendment:

FA122

Amend AM2065

Strike Sections 334, 335 and 336.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Pending.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Thibodeau has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB1054:

AM2531

1 1. Strike the original sections and insert the following new
2 section:

3 Section 1. (1) For purposes of this section, wind energy generation
4 project means a project for the construction of a facility for the
5 generation of electricity using wind that is subject to sections 70-1001
6 to 70-1028.

7 (2) No wind energy generation project shall be constructed in a
8 county after August 1, 2018, until the county has zoning regulations or a
9 zoning resolution as described in section 23-114 which addresses:

10 (a) Protection of property value for nonparticipating property
11 owners adjacent to or impacted by the wind energy generation project;
12 (b) Fixed-distance setbacks measured from buildings used for

13 residential purposes and setbacks measured from property lines. The
 14 setbacks shall not be variable distances based on the height of a
 15 turbine. The determination of setbacks based on surface danger area due
 16 to issues such as collapse and ice-throw shall ensure that the surface
 17 danger area does not overlap a nonparticipating property owner's
 18 property;
 19 (c) Noise standards restricting the low-level noise generated by the
 20 operation of a wind turbine so that it does not exceed a specified A-
 21 weighted, equivalent sound level or specified A-weighted decibels at the
 22 property line of the wind energy generation project. The measure of noise
 23 shall meet the following requirements:
 24 (i) Any instrument used to measure noise shall meet sound level
 25 meter performance specifications of the American National Standards
 26 Institute or the International Electrotechnical Commission for wind class
 27 I;
 1 (ii) The procedures used to measure noise shall meet the
 2 requirements of the American National Standards Institute, the
 3 International Electrotechnical Commission, or the International
 4 Organization for Standardization for the measurement of sound or its
 5 characteristics; and
 6 (iii) The procedures shall not include procedures based on the
 7 International Electrotechnical Commission Standard IEC 61400-11 (2002)
 8 regarding noise measurement techniques;
 9 (d) Evaluation of adverse environmental impacts and mitigation plans
 10 for the protection of the environment, including domesticated animals,
 11 wildlife, wildlife habitat, water, vegetation, scenic areas, and historic
 12 areas. The evaluation shall include consultation with local, state, and
 13 federal agencies with jurisdiction over affected portions of the
 14 environment; and
 15 (e) Decommissioning terms and conditions which must be in place
 16 before construction begins. The terms and conditions shall include a site
 17 restoration plan and surety to be held by the county to pay for
 18 decommissioning, which may include, but not be limited to, a performance
 19 bond for each wind turbine.

Senator McCollister filed the following amendment to LB776:
 AM2512

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 47-101, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 47-101 The Jail Standards Board shall, each January, and at such
 6 other time or times from time to time as it may deem necessary,
 7 prescribe, in writing, rules for the regulation and government of the
 8 jails upon the following subjects: (1) The cleanliness of the jail and
 9 prisoners; (2) the classification of prisoners in regard to sex, age, and
 10 crime, and also persons with physical or mental disabilities; (3) beds,
 11 ~~and~~ clothing, and diet; (4) warming, lighting, and ventilation of the
 12 jail; (5) the employment of medical and surgical aid when necessary; (6)

13 employment, temperance, and instruction of the prisoners; (7) the
14 supplying of each prisoner with a Bible or other written religious
15 material; (8) the intercourse between prisoners and their counsel and
16 other persons including access to telephones or videoconferencing as
17 required in section 2 of this act; (9) the discipline of prisoners for
18 violation of the rules of the jail; and (10) such other matters as the
19 board may deem necessary to promote the welfare of the prisoners.

20 Sec. 2. (1) Each county jail shall make available either a prepaid
21 telephone call system or collect telephone call system, or a combination
22 thereof, for telephone services for inmates. Under either system, the
23 provision of inmate telephone services shall be subject to the
24 requirements of this section.

25 (2) Under a prepaid system, funds may be deposited into an inmate
26 account in order to pay for telephone calls. The provider of the inmate
27 telephone services, as an additional means of payment, shall permit the
1 recipient of inmate collect telephone calls to establish an account with
2 that provider in order to deposit funds for advance payment of those
3 collect telephone calls. The provider of the inmate telephone services
4 shall also allow inmates to communicate on the telephone, or by
5 videoconferencing, with an attorney or attorneys without charge and
6 without monitoring or recording by the county jail or law enforcement.

7 (3) A county operating a county jail may receive revenue for the
8 reasonable operating costs for establishing and administering such
9 telephone services system or videoconferencing system, but shall not
10 receive excessive commissions or bonus payments. In determining the
11 amount of such reasonable operating costs, the Jail Standards Board may
12 consider for comparative purposes the rates for inmate calling services
13 provided in 47 C.F.R. part 64. Amounts in excess of the reasonable
14 operating costs include, but are not limited to, any excessive
15 commissions and bonus payments, as determined by the Jail Standards
16 Board, including, but not limited to, awards paid to a county for
17 contracting with an entity that provides such service.

18 (4) Nothing in this section shall require a county jail to provide
19 or administer a prepaid telephone call system.

20 (5) For the purposes of this section, collect telephone call system
21 means a system pursuant to which recipients are billed for the cost of an
22 accepted telephone call initiated by an inmate.

23 Sec. 3. The Jail Standards Board shall ensure that county jails are
24 providing inmates with means to communicate by telephone or
25 videoconferencing with inmates' families, loved ones, and counsel.

26 Sec. 4. Section 47-108, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 47-108 It shall be the duty of the district court in its charge to
29 the grand jury to inform the jury of the provisions of sections 47-101 to
30 47-116 and sections 2 and 3 of this act and all rules, plans, or
31 regulations established by the Jail Standards Board relating to county
1 jails and prison discipline.

2 Sec. 5. Section 47-109, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 47-109 The grand jury of each county in this state may, while in
5 attendance, visit the jail, examine its state and condition, and examine
6 and inquire into the discipline and treatment of prisoners, their habits,
7 diet, and accommodations. If the grand jury visits a jail, it shall be
8 its duty to report to the court in writing, whether the rules of the Jail
9 Standards Board have been faithfully kept and observed, or whether any of
10 the provisions of sections 47-101 to 47-116 and sections 2 and 3 of this
11 act, have been violated, pointing out particularly in what the violation,
12 if any, consists. It shall also be the duty of the county board of each
13 county of this state to visit the jail of its county once during each of
14 its sessions in January, April, July, and October of each year.
15 Sec. 6. Section 47-116, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 47-116 If the sheriff or jailer, having charge of any county jail,
18 shall neglect or refuse to conform to all or any of the rules and
19 regulations established by the Jail Standards Board, or to perform any
20 other duty required of him or her by sections 47-101 to 47-116 and
21 sections 2 and 3 of this act, he or she shall, upon conviction thereof
22 for each case of such failure or neglect of duty, pay into the county
23 treasury of the proper county for the use of such county a fine of not
24 less than five dollars nor more than one hundred dollars, to be assessed
25 by the district court of the proper district.

26 Sec. 7. Section 47-201, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 47-201 The Jail Standards Board shall, ~~each in the month of~~ January
29 ~~of each year~~, and at such other time or times as it may deem necessary,
30 prescribe written rules for the regulation and government of the
31 municipal jails upon the subjects of (1) the cleanliness of the jail and
1 prisoners, (2) the classification of prisoners in regard to sex, age,
2 crime, and ~~also persons with physical or mental disabilities mental~~
3 ~~infirmity~~, (3) beds, clothing, and diet, (4) warming, lighting, and
4 ~~ventilation ventilating~~ of the jail, (5) the employment of medical and
5 surgical aid, (6) the employment, temperance, and instruction of the
6 prisoners, (7) the intercourse between prisoners and their attorneys and
7 other persons, including access to telephones or videoconferencing as
8 required by section 8 of this act, (8) the discipline of prisoners, (9)
9 the keeping of records of the jail, and (10) any other matters concerning
10 jails and their government as the board may deem necessary.

11 Sec. 8. (1) Each city jail shall make available either a prepaid
12 telephone call system or collect telephone call system, or a combination
13 thereof, for telephone services for inmates. Under either system, the
14 provision of inmate telephone services shall be subject to the
15 requirements of this section.

16 (2) Under a prepaid system, funds may be deposited into an inmate
17 account in order to pay for telephone calls. The provider of the inmate
18 telephone services, as an additional means of payment, shall permit the
19 recipient of inmate collect telephone calls to establish an account with
20 that provider in order to deposit funds for advance payment of those
21 collect telephone calls. The provider of the inmate telephone services

22 shall also allow inmates to communicate on the telephone, or by
 23 videoconferencing, with an attorney or attorneys without charge and
 24 without monitoring or recording by the city jail or law enforcement.
 25 (3) A city operating a city jail may receive revenue for the
 26 reasonable operating costs for establishing and administering such
 27 telephone services system or videoconferencing system, but shall not
 28 receive excessive commissions or bonus payments. In determining the
 29 amount of such reasonable operating costs, the Jail Standards Board may
 30 consider for comparative purposes the rates for inmate calling services
 31 provided in 47 C.F.R. part 64. Amounts in excess of the reasonable
 1 operating costs include, but are not limited to, any excessive
 2 commissions and bonus payments, as determined by the Jail Standards
 3 Board, including, but not limited to, awards paid to a city for
 4 contracting with an entity that provides such service.
 5 (4) Nothing in this section shall require a city jail to provide or
 6 administer a prepaid telephone call system.
 7 (5) For the purposes of this section, collect telephone call system
 8 means a system pursuant to which recipients are billed for the cost of an
 9 accepted telephone call initiated by an inmate.
 10 Sec. 9. The Jail Standards Board shall ensure that city jails are
 11 providing inmates with means to communicate by telephone or
 12 videoconferencing with inmates' families, loved ones, and counsel.
 13 Sec. 10. Section 47-206, Reissue Revised Statutes of Nebraska, is
 14 amended to read:
 15 47-206 The officer in charge of any municipal prison or jail who
 16 fails to comply with the provisions of sections 47-201 to 47-205 and
 17 sections 8 and 9 of this act or the rules prescribed by the Jail
 18 Standards Board shall be guilty of a Class V misdemeanor.
 19 Sec. 11. Original sections 47-101, 47-108, 47-109, 47-116, 47-201,
 20 and 47-206, Reissue Revised Statutes of Nebraska, are repealed.

GENERAL FILE

LEGISLATIVE BILL 1005. Title read. Considered.

Committee AM2204, found on page 853, was adopted with 35 ayes, 0 nays, and 14 present and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 1 nay, and 10 present and not voting.

LEGISLATIVE BILL 921. Title read. Considered.

Committee AM1935, found on page 848, was offered.

Senator Krist offered the following motion:

MO276

Bracket until April 18, 2018.

Pending.

SPEAKER'S MAJOR PROPOSAL

March 20, 2018

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Please be advised that pursuant to Rule 1, Section 17, the Executive Board has approved Speaker Scheer's request that LB944 be designated as a 2018 Speaker Major Proposal.

Respectfully,
(Signed) Dan Watermeier, Chairman
Executive Board

C: Speaker Jim Scheer

BILLS ON FIRST READING

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

LEGISLATIVE BILL 894A. Introduced by Blood, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 894, One Hundred Fifth Legislature, Second Session, 2018.

LEGISLATIVE BILL 686A. Introduced by Blood, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 686, One Hundred Fifth Legislature, Second Session, 2018.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 738. Placed on General File with amendment.

AM1789

1 1. On page 8, line 21, strike "2019" and insert "2020".

(Signed) Jim Smith, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 354. Introduced by Watermeier, 1; Clements, 2.

WHEREAS, the Lourdes Central Catholic boys' basketball team won the 2018 Class D-1 Boys' State Basketball Championship; and

WHEREAS, the 32-25 championship victory took place on March 10, 2018, at Pinnacle Bank Arena in Lincoln; and

WHEREAS, the 2018 Lourdes Central Catholic Knights' championship is the first time in the history of Class D-1 that a team has won three straight state titles; and

WHEREAS, Head Coach Joe Tynon led the team to an outstanding season; and

WHEREAS, throughout the season, the members of the Lourdes Central Catholic Knights basketball team have demonstrated that hard work, dedication, and discipline produce remarkable results; and

WHEREAS, the team members are positive role models for young athletes in the community and throughout the region; and

WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, and the community.

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

1. That the Legislature recognizes and congratulates the Lourdes Central Catholic boys' basketball team and its coaches on winning the 2018 Class D-1 Boys' State Basketball Championship.

2. That copies of this resolution be sent to the Lourdes Central Catholic basketball team and to Head Coach Joe Tynon.

Laid over.

LEGISLATIVE RESOLUTION 355. Introduced by Watermeier, 1.

WHEREAS, the Falls City Sacred Heart boys' basketball team won the 2018 Class D-2 Boys' State Basketball Championship; and

WHEREAS, the 59-42 championship victory took place on March 10, 2018, at Pinnacle Bank Arena in Lincoln; and

WHEREAS, Head Coach Doug Goltz led the team to an outstanding 25-3 season; and

WHEREAS, throughout the season, the members of the Falls City Sacred Heart Irish basketball team have demonstrated that hard work, dedication, and discipline produce remarkable results; and

WHEREAS, the team members are positive role models for young athletes in the community and throughout the region; and

WHEREAS, such a team achievement is made possible through the support of teachers, administrators, parents, and the community.

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

1. That the Legislature recognizes and congratulates the Falls City Sacred Heart boys' basketball team and its coaches on winning the 2018 Class D-2 Boys' State Basketball Championship.

2. That copies of this resolution be sent to the Falls City Sacred Heart basketball team and to Head Coach Doug Goltz.

Laid over.

VISITORS

Visitors to the Chamber were an eleventh-grade exchange student, Reza Sholamova, from Tajikistan and local coordinator, Mandy Mandachit, of the Academic Year in America group.

RECESS

At 6:00 p.m., on a motion by Senator Erdman, the Legislature recessed until 6:30 p.m.

AFTER RECESS

The Legislature reconvened at 6:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senator Crawford who was excused; and Senators Bostelman, Groene, Hilgers, Linehan, Morfeld, Pansing Brooks, Stinner, Watermeier, and Wayne who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 921. The Krist motion, MO276, found in this day's Journal, to bracket until April 18, 2018, was renewed.

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

Senator Harr moved for a call of the house. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

The motion to cease debate failed with 22 ayes, 12 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 681. Placed on General File with amendment. AM2207 is available in the Bill Room.

LEGISLATIVE BILL 731. Placed on General File with amendment. AM2432 is available in the Bill Room.

LEGISLATIVE BILL 788. Placed on General File with amendment. AM2184

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

3 Section 1. Section 38-145, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 38-145 (1) The appropriate board shall establish continuing
6 competency requirements for persons seeking renewal of a credential.

7 (2) The purposes of continuing competency requirements are to ensure

8 (a) the maintenance by a credential holder of knowledge and skills

9 necessary to competently practice his or her profession, (b) the

10 utilization of new techniques based on scientific and clinical advances,

11 and (c) the promotion of research to assure expansive and comprehensive

12 services to the public.

13 (3) Each board shall consult with the department and the appropriate

14 professional academies, professional societies, and professional

15 associations in the development of such requirements.

16 (4)(a) For a profession for which there are no continuing education

17 requirements on December 31, 2002, the requirements may include, but not

18 be limited to, any one or a combination of the continuing competency

19 activities listed in subsection (5) of this section.

20 (b) For a profession for which there are continuing education

21 requirements on December 31, 2002, continuing education is sufficient to

22 meet continuing competency requirements. The requirements may also

23 include, but not be limited to, any one or a combination of the

24 continuing competency activities listed in subdivisions (5)(b) through

25 (5)(p) of this section which a credential holder may select as an

26 alternative to continuing education.

27 (5) Continuing competency activities may include, but not be limited

1 to, any one or a combination of the following:

2 (a) Continuing education;

3 (b) Clinical privileging in an ambulatory surgical center or

4 hospital as defined in section 71-405 or 71-419;

5 (c) Board certification in a clinical specialty area;

6 (d) Professional certification;

7 (e) Self-assessment;

8 (f) Peer review or evaluation;

9 (g) Professional portfolio;

10 (h) Practical demonstration;

11 (i) Audit;

12 (j) Exit interviews with consumers;
13 (k) Outcome documentation;
14 (l) Testing;
15 (m) Refresher courses;
16 (n) Inservice training;
17 (o) Practice requirement; or
18 (p) Any other similar modalities.
19 (6) Beginning with the first license renewal period which begins on
20 or after October 1, 2018, the continuing competency requirements for a
21 nurse midwife, dentist, physician, physician assistant, nurse
22 practitioner, podiatrist, and veterinarian who prescribes controlled
23 substances shall include at least five hours of continuing education
24 biennially regarding prescribing opiates as defined in section 28-401.
25 The continuing education may include education regarding prescribing and
26 administering opiates, the risks and indicators regarding development of
27 addiction to opiates, and emergency opiate situations. One-half hour of
28 the five hours of continuing education shall cover the prescription drug
29 monitoring program described in sections 71-2454 to 71-2456. This
30 subsection terminates on January 1, 2029.
31 Sec. 2. Original section 38-145, Reissue Revised Statutes of
1 Nebraska, is repealed.

LEGISLATIVE BILL 790. Placed on General File with amendment.
AM2422 is available in the Bill Room.

LEGISLATIVE BILL 924. Placed on General File with amendment.
AM2181 is available in the Bill Room.

(Signed) Merv Riepe, Chairperson

AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB640:
AM2445 is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 921. The Krist motion, MO276, found in this day's
Journal, to bracket until April 18, 2018, was renewed.

Senator Lowe moved the previous question. The question is, "Shall the
debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not
voting.

Senator Krist moved for a call of the house. The motion prevailed with 29
ayes, 2 nays, and 18 not voting.

Senator Krist requested a roll call vote, in reverse order, on the motion to bracket.

Voting in the affirmative, 15:

Blood	Hansen	Howard	McDonnell	Schumacher
Bolz	Harr	Kolowski	Pansing Brooks	Vargas
Chambers	Hilkemann	McCollister	Quick	Wishart

Voting in the negative, 23:

Albrecht	Erdman	Hilgers	Lowe	Thibodeau
Brasch	Friesen	Hughes	Murante	Watermeier
Brewer	Geist	Kolterman	Riepe	Williams
Briese	Groene	Kuehn	Scheer	
Clements	Halloran	Larson	Stinner	

Present and not voting, 8:

Baker	Ebke	Lindstrom	Smith
Bostelman	Krist	Linehan	Walz

Excused and not voting, 3:

Crawford	Morfeld	Wayne
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The Krist motion to bracket failed with 15 ayes, 23 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Krist offered the following motion:

MO277

Reconsider the vote taken to bracket.

Pending.

AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB921:

AM2030

1 1. Insert the following new sections:

2 Section 1. Section 81-2101, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 81-2101 Sections 81-2101 to 81-2143 and section 4 of this act shall
5 be known and may be cited as the State Electrical Act.

6 Sec. 3. Section 81-2108, Reissue Revised Statutes of Nebraska, is

7 amended to read:

8 81-2108 (1) Except as provided in subsection (2) of this section or

9 in section 81-2110 or 81-2112 or section 4 of this act, no person shall,
 10 for another, wire for or install electrical wiring, apparatus, or
 11 equipment unless he or she is licensed by the board as a Class B
 12 electrical contractor, an electrical contractor, a Class A master
 13 electrician, a Class B master electrician, or a fire alarm installer.
 14 (2) Except as provided in section 81-2106, 81-2110, or 81-2112 or
 15 section 4 of this act, no person shall wire for or install electrical
 16 wiring, apparatus, or equipment or supervise an apprentice electrician
 17 unless such person is licensed as a Class B journeyman electrician, a
 18 journeyman electrician, a residential journeyman electrician, or a fire
 19 alarm installer and is employed by a Class B electrical contractor, an
 20 electrical contractor, a Class A master electrician, a Class B master
 21 electrician, or a fire alarm installer.
 22 For purposes of this section, the holder of a fire alarm installer
 23 license shall only supervise those apprentices engaged in the
 24 installation of fire alarm equipment and apparatus operating at fifty
 25 volts or less.
 26 (3) No person licensed under the State Electrical Act may lend his
 27 or her license to any person or knowingly permit the use of such license
 1 by another.
 2 Sec. 4. A person who is a directional boring contractor may install
 3 underground conduit under the direct supervision of a Class A master
 4 electrician, Class B master electrician, journeyman electrician, or Class
 5 B journeyman electrician who is employed by an electrical contractor.
 6 2. Renumber the remaining sections and correct the repealer
 7 accordingly.

Senator Larson filed the following amendment to LB921:
 AM2551

(Amendments to Standing Committee amendments, AM1935)

1 1. On page 6, line 4, after the period insert "Farm installations
 2 constructed pursuant to this subsection shall be subject to inspection as
 3 a commercial or industrial installation under subsection (1) of section
 4 81-2124, unless exempt under subdivision (5) of section 81-2121.".

GENERAL FILE

LEGISLATIVE BILL 948. Title read. Considered.

Committee AM1931, found on page 748, was offered.

Senator Harr offered the following amendment to the committee
 amendment:

AM2473

(Amendments to Standing Committee amendments, AM1931)

1 1. Strike sections 6 and 7.
 2 2. Renumber the remaining sections accordingly.

Senator Chambers offered the following motion:

MO278

Bracket until April 18, 2018.

Senator Chambers withdrew his motion to bracket.

Pending.

AMENDMENT(S) - Print in Journal

Senator Harr filed the following amendment to LB948:

AM2507

(Amendments to Standing Committee amendments, AM1931)

- 1 1. Strike amendment 1 and insert the following new amendment:
- 2 1. Strike original section 32.

Senator Harr filed the following amendment to LB948:

AM2494

(Amendments to Standing Committee amendments, AM1931)

- 1 1. Strike amendment 1 and insert the following new amendment:
- 2 1. Strike original section 19.

Senator Harr filed the following amendment to LB948:

AM2497

(Amendments to Standing Committee amendments, AM1931)

- 1 1. Strike amendment 1 and insert the following new amendment:
- 2 1. Strike original section 22.

Senator Harr filed the following amendment to LB948:

AM2478

(Amendments to Standing Committee amendments, AM1931)

- 1 1. Strike amendment 1 and insert the following new amendment:
- 2 1. Strike original section 5.

Senator Harr filed the following amendment to LB948:

AM2476

(Amendments to Standing Committee amendments, AM1931)

- 1 1. Strike amendment 1 and insert the following new amendment:
- 2 1. Strike original section 3.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 356. Introduced by Brasch, 16; Albrecht, 17; Baker, 30; Blood, 3; Bolz, 29; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2; Ebke, 32; Erdman, 47; Friesen, 34; Geist, 25; Groene, 42; Halloran, 33; Hansen, 26; Harr, 8; Hilgers, 21; Hilkemann, 4; Howard, 9; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Quick, 35; Riepe, 12; Scheer, 19; Stinner, 48; Thibodeau, 6; Walz, 15; Watermeier, 1; Wayne, 13; Williams, 36.

WHEREAS, Down syndrome is a congenital disorder caused by having an extra 21st chromosome; and

WHEREAS, the date for World Down Syndrome Day being the 21st day of the 3rd month was selected to signify the uniqueness of the triplication (trisomy) of the 21st chromosome which causes Down syndrome; and

WHEREAS, one in every 691 babies in the United States is born with Down syndrome, making Down syndrome the most common genetic condition; and

WHEREAS, approximately 400,000 Americans have Down syndrome and about 6,000 babies with Down syndrome are born in the United States each year; and

WHEREAS, while research and early intervention have resulted in dramatic improvements in the life span and potential of those who are affected, more research is needed into diseases and illnesses that are more prevalent among people who have Down syndrome; and

WHEREAS, possessing a wide range of abilities, people with Down syndrome are active participants in educational, occupational, social, and recreational circles of our communities; and

WHEREAS, individuals living with Down syndrome should have equal opportunity to achieve their desired goals of self-fulfillment, be valued for their achievements, be included in their community, and be encouraged to reach their full potential;

WHEREAS, in 2011, The United Nations General Assembly declared March 21 as World Down Syndrome Day; and

WHEREAS, in 2016, the Nebraska Legislature adopted Legislative Bill 891 to provide new and expectant parents with supportive and accurate information about a Down syndrome diagnosis that their child receives.

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

1. That the Nebraska Legislature joins numerous countries, states, and communities by designating March 21, 2018, as Down Syndrome Awareness Day in Nebraska.

2. That the Nebraska Legislature recognizes the accomplishments of those in the state with Down syndrome and their families.

Laid over.

ADJOURNMENT

At 9:53 p.m., on a motion by Senator Ebke, the Legislature adjourned until 9:00 a.m., Wednesday, March 21, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SIXTH DAY - MARCH 21, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 21, 2018

PRAYER

The prayer was offered by Pastor Neil Wheeler, Peace Lutheran Church, Waverly.

ROLL CALL

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

The roll was called and all members were present except Senators Bostelman, Groene, Hansen, McCollister, Morfeld, Murante, Pansing Brooks, Walz, Watermeier, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 477. Placed on General File with amendment.
AM2409

- 1 1. On page 3, strike beginning with "Advertise" in line 29 through
- 2 line 31 and insert "Sell an advertised blend of automotive spark ignition
- 3 engine fuel containing a ten percent ethanol blend or less at a price
- 4 other than the price advertised to the consumer on a manual, digital,
- 5 electronic, or any other form of advertising medium. Any location
- 6 utilizing multi-product fuel dispensers with six or more fueling
- 7 positions shall make such advertised automotive spark ignition engine
- 8 fuel available at every fueling position. This subdivision does not apply
- 9 to the sale of any fuel blends containing an ethanol content of greater
- 10 than ten percent; or".
- 11 2. On page 4, strike lines 1 through 4; and strike beginning with
- 12 "for" in line 10 through "retail" in line 12 and insert ", on any basis
- 13 except octane, for cash payment, self-service, customer loyalty, or other
- 14 similar discounts to the base price at each".

(Signed) Lydia Brasch, Chairperson

AMENDMENT(S) - Print in Journal

Senator Quick filed the following amendment to LB295:
AM1853

(Amendments to Standing Committee amendments, AM1418)

1 1. On page 11, after line 4 insert the following new subsection:

2 "(4) Each qualified school that admits and enrolls students who
3 receive education scholarships shall submit an annual financial report to
4 the Commissioner of Education by the date given in subdivision (3)(a) of
5 section 79-528 showing the amount of money received by the qualified
6 school from all sources during the year and the amount of money expended
7 by the qualified school during the year.".

GENERAL FILE

LEGISLATIVE BILL 993A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 4 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1090A. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 946. ER127, found on page 956, was adopted.

SPEAKER SCHEER PRESIDING

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 945. ER128, found on page 975, was adopted.

Senator Stinner offered his amendment, AM2463, found on page 1032.

The Stinner amendment was adopted with 33 ayes, 4 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 944. ER129, found on page 984, was adopted.

Senator Stinner offered his amendment, AM2464, found on page 1031.

The Stinner amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Senator Krist offered his amendment, AM2289, found on page 912.

Senator Krist moved for a call of the house. The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

Senator Krist requested a roll call vote on his amendment.

Voting in the affirmative, 28:

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

Voting in the negative, 15:

Blood	Briese	Geist	Hilgers	Murante
Brasch	Erdman	Groene	Larson	Riepe
Brewer	Friesen	Halloran	Lowe	Watermeier

Present and not voting, 6:

Bostelman	Hughes	Linehan
Clements	Kuehn	Smith

The Krist amendment was adopted with 28 ayes, 15 nays, and 6 present and not voting.

The Chair declared the call raised.

Senator Erdman offered his amendment, AM2405, found on page 962.

SENATOR LINDSTROM PRESIDING

SPEAKER SCHEER PRESIDING

Pending.

CEREMONIES

The Speaker introduced a group from the Nebraska Association of Former State Legislators.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Quick name added to LB1040.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 596. Placed on Select File with amendment.
ER136

1 1. On page 1, strike beginning with "Veterinary" in line 1 through
2 "regulation" in line 5 and insert "Uniform Credentialing Act; to amend
3 sections 38-3314 and 38-3321, Reissue Revised Statutes of Nebraska, and
4 sections 38-101 and 38-121, Revised Statutes Supplement, 2017; to require
5 a credential for an equine massage practitioner; to define and redefine
6 terms; to create the Equine Massage Practitioner Registry as prescribed;
7 to provide an exception under the Veterinary Medicine and Surgery
8 Practice Act".

(Signed) Anna Wishart, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 357. Introduced by Kolowski, 31.

PURPOSE: The purpose of this resolution is to study the current status of early childhood education in this state and potential methods and policies to ensure universal access to high-quality early childhood education. The primary focus of the study shall be on access to programs for children who are three or four years of age, but the study may also examine access issues for all young children, from birth onward.

The study committee shall work in conjunction with interested entities, including, but not limited to, school districts, the State Department of Education, any institute at the University of Nebraska formed for the purpose of promoting quality early childhood experiences, and any nonprofit groups interested in expanding access to high-quality early childhood education in this state.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

ATTORNEY GENERAL'S OPINIONOpinion 18-001

SUBJECT: Constitutionality of the Refundable Income Tax Credits in LB 829 and LB 947.

REQUESTED BY: Senator John Kuehn
 Nebraska Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
 L. Jay Bartel, Assistant Attorney General

INTRODUCTION

You have requested our opinion regarding the constitutionality of two bills which would provide a refundable income tax credit based on a percentage of property taxes paid during the taxable year. The first bill (LB 829) provides "each taxpayer a refundable credit against the income tax imposed by the Nebraska Revenue Act of 1967 in the amount of fifty percent of the school district taxes levied on the taxpayer's property and paid by the taxpayer during such taxable year." LB 829, § 3. The second bill (LB 947) provides "each resident individual who is an owner of a homestead shall be allowed a refundable credit against the income tax imposed by the Nebraska Revenue Act of 1967 equal to a percentage of the property taxes paid during the taxable year on such homestead" LB 947, § 3(1). "For taxable year 2018, the refundable credit shall be ten percent of the property taxes paid during the taxable year." *Id.* The amount of the credit is capped at \$230 for 2018. LB 947, § 3(2). The bill provides a mechanism for the credit to increase in subsequent years by a percentage not to exceed 30 percent, and for the cap to increase by a maximum of \$50 per year, not to exceed \$730. LB 947, §§ 3, 5. LB 947 also provides that "each resident individual shall be allowed a refundable credit against the income tax imposed by the Nebraska Revenue Act of 1967 equal to a percentage of the property taxes paid during the taxable year on agricultural land and horticultural land, farm sites, and improvements on farm sites that are agricultural or horticultural in nature." LB 947, § 4. "For taxable year 2018, the refundable credit shall be ten percent of the property taxes paid during the taxable year." *Id.* A mechanism is provided for the credit to increase in subsequent years by two percentage points a year, not to exceed thirty percent. LB 947, § 5.

You have asked us to address "two issues [raised by these bills] regarding foregoing a state income tax obligation based on property taxes paid." You phrase these questions as follows:

First, does the payment of property taxes to a local government as a means of foregoing a state income tax liability represent a commutation of taxes, which is prohibited by Article VIII Section 4 of the Nebraska Constitution?

Second, the receipt of a refundable income tax credit based on a proportion of property taxes paid favors only those who file a Nebraska income tax return, not all property tax payers. Is this preferential treatment for Nebraska income tax filers over non-resident property tax payers facially discriminatory on the basis of the Commerce Clause and/or Dormant Commerce Clause of the U.S. Constitution?

ANALYSIS

A. Commutation of Taxes.

Neb. Const. art. VIII, § 4, provides, in pertinent part:

Except as to tax and assessment charges against real property remaining delinquent and unpaid for a period of fifteen years or longer, the Legislature shall have no power to release or discharge any county, city, township, town, or district whatever, or the inhabitants thereof, or any corporation, or the property therein, from their or its proportionate share of taxes to be levied for state purposes, or due any municipal corporation, nor shall commutation for such taxes be authorized in any form whatever

"The proscription against commuting a tax prevents the Legislature from releasing either persons or property from contributing a proportionate share of the tax." *Sarpy County Farm Bureau v. Learning Community of Douglas and Sarpy Ctys.*, 283 Neb. 212, 244, 808 N.W.2d 598, 621 (2012). In *Steinacher v. Swanson*, 131 Neb. 439, 268 N.W. 317 (1936), the Nebraska Supreme Court held an act which allowed delinquent property taxes to be paid in installments violated the prohibition against the commutation of taxes in art. VIII, § 4. The *Steinacher* court noted the definition of "commutation" expressed in *Woodrough v. Douglas County*, 71 Neb. 354, 361, 98 N.W. 1092, 1095 (1904):

Commutation is a passing from one state to another; an alteration, a change; the act of substituting one thing for another; a substitution of one sort of payment for another, or of a money payment in lieu of a performance of a compulsory duty or labor or of a single payment in lieu of a number of successive payments, usually at a reduced rate. 131 Neb. at 445-46, 268 N.W. at 321.

Further addressing the meaning of the prohibition against the commutation of taxes in art. VIII, § 4, the Court in *Steinacher* stated:

It is quite apparent that the framers of the Constitution of 1875, the one first containing this provision, and the members of all subsequent constitutional conventions, have been imbued with the idea that all taxpayers are entitled to the same treatment by the government they support. For this reason they have expressly written into our

Constitution that the legislature not only shall have no power to release or discharge any one from the payment of his share of taxes, but a commutation for taxes in any form whatever is prohibited. From an examination of the definitions of the word "commutation" hereinbefore set out, and the use of the words "in any form whatever," contained in our constitutional provision, it is quite apparent that the legislature is prohibited by the Constitution from changing the method of payment of any tax once levied. Clearly, under this constitutional provision, the legislature cannot reduce the amount of the tax, extend the time for payment, or in any manner change the method of payment. 131 Neb. at 446, 268 N.W. at 321 (emphasis in original).

Thus, the prohibition against "commutation" means that the "legislature is prohibited by the Constitution from changing the method of payment of any tax once levied." *Steinacher v. Swanson*, 131 Neb. at 446, 268 N.W. at 321. See also *Woodrough v. Douglas County* (Act which allowed delinquent taxpayers to pay in installments violated the prohibition against commutation for taxes).

In *Banks v. Heineman*, 286 Neb. 390, 837 N.W.2d 70 (2013), the Court addressed for the first time the issue of whether the prohibition against the "commutation" of taxes applied to taxes other than property taxes. At issue was whether the "nameplate capacity tax," an excise tax measured by the production capacity of wind generation facilities, operated to commute taxes in violation of art. VIII, § 4. The Court noted that "[t]he language of article VIII, § 4, does not prohibit the release, discharge, or commutation of 'taxes,' but, rather, a taxpayer's 'proportionate share' of taxes" This language "correlates with the requirement of Neb. Const. Art. VIII, § 1, that taxes be levied by valuation uniformly and proportionately"—a provision it previously held "does not apply to an excise tax." *Id.* at 398-99, 837 N.W.2d at 78. "Based on the semantic and historical linkage between the prohibition against commutation of a taxpayer's 'proportionate share' of taxes in article VIII, § 4, and the uniform and proportionate requirements of article VIII, § 1, [the Court] conclude[d] that the scope of the two provisions is the same." *Id.* at 399, 837 N.W.2d at 78. It thus held "that the constitutional prohibition against commutation of taxes set forth in article VIII, § 4, does not apply to an excise tax." *Id.*

"An excise tax, using the term in its broad meaning as opposed to a property tax, includes taxes sometimes designated by statute or referred to as privilege taxes, license taxes, occupation taxes, and business taxes." *State v. Galyen*, 221 Neb. 497, 500-01, 378 N.W.2d 182, 185 (1985) (quoting *Licking v. Hays Lumber Co.*, 146 Neb. 240, 243, 19 N.W.2d 148, 150 (1945)); see also *Anderson v. Tiemann*, 182 Neb. 393, 403-04, 155 N.W.2d 322, 329 (1967) ("Franchise tax" imposed under Nebraska Revenue Act of 1967 based on or measured by income of corporation was "an excise tax or privilege tax and not a property tax" and thus could not violate the requirement of uniform and proportionate valuation of tangible property in art. VIII, § 1).

The income tax credits allowed under LB 829 and LB 947 do not, at least directly, fall within the meaning of "commutation" as defined by the Nebraska Supreme Court. The income tax credits, while determined on the basis of a percentage of property taxes paid, do not alter or change the amount of property taxes paid, nor do they substitute one form of payment of property taxes for another. Further, while the income tax is not an "excise" tax, a form of taxation the Court has specifically recognized is not subject to the commutation restriction,¹ it is not a property tax within the meaning of art. VIII, § 1, and thus is not a tax subject to the prohibition against the "commutation" of taxes in art. VIII, § 4.²

B. Commerce Clause.

The Commerce Clause authorizes Congress to "regulate Commerce . . . among the several States." U.S. Const. art. I, § 8, cl. 3. "Though phrased as a grant of regulatory power to Congress, the Clause has long been understood to have a 'negative' aspect that denies the States the power unjustifiably to discriminate against or burden the interstate flow of articles in commerce." *Oregon Waste Systems, Inc. v. Dep't of Environmental Quality*, 511 U.S. 93,

¹ Taxes measured by income have been recognized as falling within two categories: "(1) excise taxes on the privilege of doing, or the license to do, business in the state, owning property, or engaging in other activities within the state; and (2) taxes on net income derived from or attributable to the state." Hellerstein & Hellerstein, *State Taxation* ¶ 7.01 (3d ed.). "The excise tax is commonly referred to as a 'franchise tax' and the tax on net income is commonly referred to as a 'direct net income' tax." *Id.*

² In the past, we have questioned whether the provision of income tax credits based on property taxes paid would be an indirect means to improperly exempt property from taxation or violate the constitutional requirement of uniform taxation. Op. Att'y Gen. No. 90007 at 6 (Feb. 14, 1990) (Credit against income tax liability based on real property taxes paid by only certain taxpayers could "be viewed as an unconstitutional attempt to indirectly grant an exemption for real property not authorized by the Constitution."); Report of Attorney General 1971-72, Opinions No. 102 (Feb. 16, 1972), 104 (Feb. 17, 1972), 106 (Feb. 18, 1972), and 108 (Feb. 24, 1972) (Credit against sales and income taxes based on personal property taxes paid may violate uniformity clause). The Legislature "cannot circumvent an express provision of the Constitution by doing indirectly what the Constitution prohibits it from doing directly." *Rock County v. Spire*, 235 Neb. 434, 447, 455 N.W.2d 763, 770 (1990). While it is possible a court could view the allowance of an income tax credit based on property taxes paid as an indirect attempt to impermissibly commute property taxes in contravention of art. VIII, § 4, we believe it is unlikely the credit would be found unconstitutional on this ground.

98 (1994) [*Oregon Waste Systems*"]. This "negative command, known as the dormant Commerce Clause, prohibit[s] certain state taxation even when Congress has failed to legislate on the subject." *Oklahoma Tax Comm'n v. Jefferson Lines, Inc.*, 513 U.S. 175, 179 (1995). Under the four-part test adopted by the Court to govern the validity of state taxes under the Commerce Clause, a tax will be sustained against Commerce Clause challenge "when the tax is applied to an activity with a substantial nexus with the taxing State, is fairly apportioned, does not discriminate against interstate commerce, and is fairly related to the services provided by the State." *Complete Auto Transit, Inc. v. Brady*, 430 U.S. 274, 279 (1977).

"[T]he first step in analyzing any law subject to judicial scrutiny under the negative Commerce Clause is to determine whether it 'regulates evenhandedly with only "incidental" effects on interstate commerce, or discriminates against interstate commerce.'" *Oregon Waste Systems*, 511 U.S. at 99 (quoting *Hughes v. Oklahoma*, 441 U.S. 322, 336 (1979)). "[D]iscrimination' simply means differential treatment of in-state and out-of-state economic interests that benefits the former and burdens the latter." *Oregon Waste Systems*, 511 U.S. at 99. "[A] state tax that favors in-state business over out-of-state business for no other reason than the location of the business is prohibited by the Commerce Clause." *American Trucking Ass'ns, Inc. v. Scheiner*, 483 U.S. 266, 286 (1987). "[T]he degree of a differential burden or charge on interstate commerce 'measures only the extent of the discrimination' and 'is of no relevance to the determination whether a State has discriminated against interstate commerce.'" *Oregon Waste Systems*, 511 U.S. at 100 n.4 (quoting *Wyoming v. Oklahoma*, 502 U.S. 437, 455 (1992) (emphasis in original)).

In assessing if a state tax impermissibly discriminates against interstate commerce, a court must consider not only the tax, but also any credits, exemptions, or exclusions. *See Maryland v. Louisiana*, 451 U.S. 725, 756 (1981) (Invalidating Louisiana tax on use of natural gas in the state in part because allowing credits only to those engaged in in-state economic activity effectively immunized local interests from the tax); *see also West Lynn Creamery, Inc. v. Healy*, 512 U.S. 186, 211 (1994) (Scalia, J., concurring) ("'[E]xemption' from or 'credit' against a 'neutral tax' . . . no different in principle" than tax that directly discriminates against out-of-state interests). Various tax exemptions or credits have been held to violate the Commerce Clause. *See, e.g., Camps Newfound/Owatonna, Inc. v. Town of Harrison, Maine*, 520 U.S. 564 (1997) (Invalidating property tax exemption for charitable institutions that was limited to institutions serving principally state residents); *New Energy Co. of Indiana v. Limbach*, 486 U.S. 269 (1988) (Invalidating Ohio statute that provided tax credit for sales of ethanol produced in-state, but not ethanol produced in certain other states).

"[A] tax may violate the Commerce Clause if it is facially discriminatory, has a discriminatory intent, or has the effect of unduly burdening interstate commerce." *Amerada Hess Corp. v. Director, Div. of Taxation*, 490 U.S. 66, 75 (1989). "If a restriction on commerce is discriminatory, it is virtually *per*

se invalid." *Oregon Waste Systems*, 511 U.S. at 99. A discriminatory law will be invalidated unless "it advances a legitimate local purpose that cannot be adequately served by reasonable nondiscriminatory alternatives." *Id.* at 101 (quoting *New Energy Co. of Ind. v. Limbach*, 486 U.S. 269, 278 (1988)). "By contrast, nondiscriminatory regulations that have only incidental effects on interstate commerce are valid unless 'the burden imposed on such commerce is clearly excessive in relation to the putative local benefits.'" *Oregon Waste Systems*, 511 U.S. at 99 (quoting *Pike v. Bruce Church*, 397 U.S. 137, 142 (1970)).

You have asked us to address if limiting the refundable income tax credits provided under LB 829 and LB 947 to persons subject to Nebraska income tax creates "preferential treatment for Nebraska income tax filers over non-resident property tax payers [which is] facially discriminatory" in violation of the Commerce Clause. In order to address this issue, it is first necessary to summarize the scope of Nebraska's income tax, and the nature of the refundable credits allowed under each bill.

1. Nebraska's Income Tax.

Both resident and nonresident individuals are subject to Nebraska income tax. *See* Neb. Rev. Stat. § 77-2715(1) (Cum. Supp. 2016). Resident individuals are taxed on their "entire net income," while nonresident individuals are taxed on income "derived from sources within" Nebraska. *Id.* Both resident and nonresident estates and trusts, and their beneficiaries, are subject to Nebraska income tax. Neb. Rev. Stat. § 77-2717(1)(b), (4)-(6) (Cum. Supp. 2016). Corporations are also subject to income tax. Neb. Rev. Stat. § 77-2734.02(1) (Cum. Supp. 2016).³ Nebraska income tax also applies to resident and nonresident partners of partnerships, as well as resident and nonresident shareholders of Subchapter S corporations or members of limited liability companies. Neb. Rev. Stat. §§ 77-2727 (Cum. Supp. 2016) and 77-2734.01 (Cum. Supp. 2016).

2. LB 829.

Under LB 829, a refundable income tax credit is allowed "to each taxpayer...in the amount of fifty percent of the school district taxes levied on the taxpayer's property and paid by the taxpayer during [the] taxable year." LB 829, § 3. While "taxpayer" is not defined, it presumably refers to all taxpayers subject to Nebraska income tax. As noted, "taxpayers" subject to Nebraska income tax can include both resident and nonresident individuals and entities. LB 829 specifically extends the refundable income tax credit to "resident individuals," "resident estates and trusts,"

³ Corporations operating as a unitary business both within and outside Nebraska determine taxable income by use of an apportionment formula. Neb. Rev. Stat. §§ 77-2734.05 and 77-2734.06 (2009).

"nonresident estates and trusts," resident or nonresident "beneficiaries" of estates and trusts, and "corporate taxpayers." LB 829, §§ 5, 6, and 7. Nevertheless, by stating "each taxpayer" is entitled to the credit, we interpret the bill to extend the credit to any taxpayer subject to the Nebraska income tax, resident or nonresident.

3. LB 947.

The refundable income tax credit provided under LB 947 is limited to two classes of resident taxpayers: (1) Resident individual homestead owners; and (2) Resident individuals paying property taxes on agricultural land and horticultural land, farm sites, and improvements that are agricultural or horticultural in nature. LB 947, §§ 3, 4. If property taxes are paid by pass-through entities (S-Corps, partnerships, LLCs, trusts, or estates), property taxes paid are allocated to shareholders, partners, members, or beneficiaries in the same proportion that income is distributed. *Id.* On its face, LB 947 would thus not provide an income tax credit to nonresident owners of either of these two classes of property.

C. Do the Limitations on Availability of the Income Tax Credits Allowed Under LB 829 and LB 947 Result in Discrimination Prohibited by the Commerce Clause?

LB 829, on its face, provides "each taxpayer" a refundable income tax credit of a percentage of school district property taxes levied and paid by the taxpayer. Both residents and nonresidents can be subject to Nebraska income tax. To the extent the credit is extended to any person or entity subject to Nebraska income tax, the bill does not discriminate between resident and nonresident taxpayers. Availability of the credit is based on whether the person or entity is subject to Nebraska income tax and pays property tax in Nebraska, not residency. Thus, the bill does not discriminate on its face against nonresidents subject to Nebraska income tax.

Limiting the credit to taxpayers, however, results in different treatment of some nonresidents. In this regard, nonresidents who do not have income sourced to Nebraska and are thus not subject to income tax, but own property on which taxes are paid, would receive no income tax credit. While this may not impact a significant number of nonresidents, there is no "de minimis" defense to a charge of discriminatory taxation under the Commerce Clause." *Fulton Corp. v. Faulkner*, 516 U.S. 325, 334 n.3 (1996). The income tax credit is intended to provide tax relief to property taxpayers. By allowing the credit only to those subject to income tax, some property taxpayers (nonresidents that pay property taxes but are not subject to income tax) are denied relief. This discrimination against certain nonresidents would disfavor primarily out-of-state interests, which the Commerce Clause prohibits absent a showing that limiting the credit advances a legitimate local interest that cannot adequately be served by nondiscriminatory alternatives. Accordingly, to remove any potential impermissible discrimination, the credit should be extended to all property taxpayers,

resident and nonresident, whether or not they are subject to Nebraska income tax. As the credit is refundable, a mechanism should be created to allow the credit to be claimed by those not otherwise subject to Nebraska income tax.

LB 947, in contrast to LB 829, specifically limits the income tax credits to two classes of residents subject to Nebraska individual income tax, either as owners of a homestead or agricultural and horticultural land, farm sites, and improvements. The Commerce Clause implications of each classification are addressed separately below.

1. Homestead Credit.

LB 947 allows an income tax credit to "each resident individual who is an owner of a homestead...." LB 947, § 3(1). "Homestead has the same meaning as in § 77-3502." LB 947, § 2(4). The definition of "homestead" in § 77-3502, utilized for determining qualification for the homestead property tax exemption, generally means a residence occupied by an owner from January 1 through August 15 in each year. Neb. Rev. Stat. § 77-3502 (2009).

In *Reinish v. Clark*, 765 So. 2d 197 (Fla. Dist. Ct. App. 2000), nonresident taxpayers challenged Florida's homestead tax exemption on several grounds, including a claim that the exemption violated the Commerce Clause. The taxpayers argued that they were "engaged in direct economic competition with Florida residents for the purchase of real estate," and that "the challenged exemption afford[ed] those persons who establish a Florida permanent residence a clear and continuing economic advantage over non-residents." *Id.* at 213. The court found that the exemption was not "*per se* discriminatory against interstate commerce," and that it could "discern neither a discriminatory purpose underlying the exemption nor an improper discriminatory effect on non-residents." *Id.* at 214. It concluded:

[T]he Florida homestead tax exemption neither distinguishes between Florida residents and non-residents nor disparately treats identically situated persons. The focus of the exemption is on the use of the property itself, and not on the user. Entitlement to the exemption hinges upon whether the property is used as the "permanent residence." We cannot find any reasonable basis to support the [taxpayers'] claim that the exemption discriminates against interstate commerce. The historical justification of the homestead tax exemption is the protection of the home, a legitimate governmental purpose. *Id.*

Determining there was "no facial discrimination against interstate commerce," the *Reinish* court "look[ed] to the second stage of the analysis under the [Commerce] Clause to determine whether the Florida homestead tax exemption impose[d] a burden on interstate commerce that clearly outweigh[ed] its potential benefits." *Id.* at 215. The court conclude[d] that the Florida exemption [was] an even-handed regulation that promotes the

legitimate, strong public interest in promoting the stability and continuity of the primary permanent home. The [taxpayers] have not shown either that the effects of the exemption on interstate commerce are anything more than incidental, or that the burden imposed on such commerce is clearly excessive when compared to the asserted local benefits. Under these circumstances, the Court's criteria in *Pike* for upholding the regulation are met. *Id.*

Relying on *Reinisch*, a Florida District Court of Appeal found that a cap on increases in the assessment of homestead property did not violate the Commerce Clause. *Lanning v. Pilcher*, 16 So. 3d 294 (Fla. Dist. Ct. App. 2009), *rev. denied*, 37 So. 3d 847 (Fla. 2010), *cert. denied*, 562 U.S. 1062 (2010). The court again reasoned that "the tax is based on the way the property is used, not on the status of the landowner as a resident or nonresident." 16 So. 3d at 297. *See also Stahl v. Village of Hoffman Estates*, 296 Ill. App. 3d 550, 230 Ill. Dec. 824, 694 N.E.2d 1102 (Ill. 1998) (Transfer tax exemption granted only sellers of property who purchased another residence in village did not violate the Commerce Clause).

These authorities demonstrate that a homestead exemption based on ownership and use of the property as a permanent or primary residence, as opposed to the status of the owner as a resident or nonresident, does not violate the Commerce Clause. LB 947 incorporates the definition of "homestead" in § 77-3502, which means a residence actually occupied by the owner for a specified period during the year. Like an exemption, an income tax credit based on status as an owner of a homestead, as opposed to resident or nonresident status, would not result in discriminatory treatment which would violate the Commerce Clause. The concern is that LB 947 also limits availability of the credit to "each resident individual" homestead owner. This language thus conditions eligibility to claim the credit on residency, evincing an intent to discriminate against nonresidents. Facial discrimination of this type is prohibited by the Commerce Clause. If, however, the bill is amended to provide the credit is based on ownership and occupancy of property as a homestead regardless of residency, it will satisfy any objection that it discriminates against interstate commerce.

2. Agricultural and Horticultural Land Credit.

LB 947 allows an income tax credit to "each resident individual" based on a percentage of property taxes paid "on agricultural land and horticultural land, farm sites, and improvements on farm sites that are agricultural or horticultural in nature." LB 947, § 4. The credit is thus limited to "resident individuals" that pay property taxes on agricultural and horticultural land, farm sites, and improvements. Nonresidents, of course, can also be subject to Nebraska income tax on income sourced to Nebraska. By limiting the income tax credit to "resident individuals," the credit is necessarily denied to nonresidents paying taxes on agricultural and horticultural land, including nonresidents that are subject to Nebraska income tax.

In *Camps Newfound/Owatonna, Inc. v. Town of Harrison, Maine*, 520 U.S. 564 (1997), the Supreme Court considered whether a statute that provided a general exemption for property owned by charitable institutions violated the Commerce Clause because it provided a lesser exemption to institutions "conducted or operated principally for the benefit of persons who are not residents of Maine" *Id.* at 568. In striking down the limitation on the exemption for institutions serving primarily nonresidents, the Court noted it had "held that special fees assessed on nonresidents directly by the State when they attempt to use local services impose an impermissible burden on interstate commerce." *Id.* at 578 (citing *Chemical Waste Management, Inc. v. Hunt*, 504 U.S. 334, 342 (1992)). While the Maine statute involved a tax exemption statute, not a tax imposition statute, the Court found the fact "[t]hat the tax discrimination comes in the form of a deprivation of a generally available tax benefit, rather than a specific penalty on the activity itself, is of no moment." *Id.* at 578-79. The Court found that "[g]iven the fact that the burden of Maine's facially discriminatory tax scheme falls by design in a predictably disproportionate way on out-of-staters, the pernicious effect on interstate commerce is the same as in our cases targeting out-of-staters alone." *Id.* at 579. Because the statute "facially discriminate[d] against interstate commerce," it was "all but *per se* invalid." *Id.* at 581. Invalidating the statute, the Court noted the Town "made no effort to defend the statute under the *per se* rule" by advancing a legitimate local purpose that could not be adequately served by reasonable nondiscriminatory alternatives. *Id.* at 581-82.

Limiting the income tax credit to resident individuals paying property taxes on agricultural and horticultural land, farm sites, and improvements in Nebraska necessarily places nonresidents subject to Nebraska income tax that pay property taxes on the same type of property at an economic disadvantage. The credit is facially discriminatory—it is only allowed to resident individuals subject to Nebraska income tax. Nonresidents (presumably primarily persons from out-of-state) that pay property taxes on agricultural property and are subject to Nebraska income tax do not receive the credit. A facially discriminatory statute favoring in-state actors over out-of-state actors is *per se* invalid, and can be defended only by demonstrating "that it advances a legitimate local purpose that cannot be adequately served by reasonable nondiscriminatory alternatives." *Oregon Waste Systems*, 511 U.S. at 101 (quoting *New Energy Co. v. Limbach*, 486 U.S. 269, 278 (1988)). We are unaware of any purpose for allowing only residents to claim the income tax credit other than to limit tax relief based on taxes paid on agricultural property to Nebraska residents. This is precisely the type of discrimination favoring in-state economic interests over out-of-state interests that the dormant Commerce Clause forbids. Accordingly, restricting the credit to "resident individuals" is not permissible under the Commerce Clause. The improper discrimination can, of course, be eliminated by extending the credit to all persons, both resident and nonresident, based on their payment of property taxes on agricultural property. Further, like LB 829, to remove any potential impermissible

discrimination against all nonresidents, the credit should be extended to all property taxpayers, resident and nonresident, whether or not they are subject to Nebraska income tax. As the credit is refundable, a mechanism can be created to allow the credit to be claimed by those not otherwise subject to Nebraska income tax in order to provide property tax relief to all persons paying taxes on agricultural property.

CONCLUSION

In sum, we conclude that the refundable income tax credits provided under LB 829 and LB 947 would not, if enacted, impermissibly commute taxes in violation of Neb. Const. art. VIII, § 4. The income tax credits, while determined on the basis of a percentage of property taxes paid, do not alter or change the amount of property taxes paid, nor do they substitute one form of payment of property taxes for another. Further, the prohibition against "commutation" applies only to property taxes. As the income tax is not a property tax, the prohibition against the "commutation" of taxes in art. VIII, § 4 does not apply. Further, while the income tax credits allowed under both LB 829 and LB 947 are limited in such a manner as to raise questions as to their constitutionality under the Commerce Clause, both bills can be amended to remedy the discriminatory treatment against nonresidents contained in the bills as currently proposed. This can be done by allowing the credit to all taxpayers paying taxes on qualifying property, resident and nonresident, regardless of whether they are subject to Nebraska income tax.

Very truly yours,
Douglas J. Peterson
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature

07-1157-29

VISITORS

Visitors to the Chamber were Jacob Miller from Crete; 39 fourth-grade students from St. Mary's Catholic School, David City; 7 twelfth-grade students and teacher from Arcadia; students from Little Lambs Preschool and Senator Geist's daughter and granddaughters, Alexis, Rosie, and Elsa; Tom and Jane Goering from Grand Island and Roger and Julie Frandsen from Grand Island; and Coordinator of Centennial Mall Renovations, Susan Larson-Rodenburg from Lincoln.

RECESS

At 11:41 a.m., on a motion by Senator Geist, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Larson, Lindstrom, Pansing Brooks, Vargas, Watermeier, and Wayne who were excused until they arrive.

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 947. Placed on General File with amendment. AM2542 is available in the Bill Room.

(Signed) Jim Smith, Chairperson

SELECT FILE

LEGISLATIVE BILL 944. The Erdman amendment, AM2405, found on page 962 and considered in this day's Journal, was renewed.

SPEAKER SCHEER PRESIDING**PRESIDENT FOLEY PRESIDING**

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

Senator Morfeld moved for a call of the house. The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Senator Morfeld requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 30:

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

Voting in the negative, 1:

Larson

Present and not voting, 18:

Albrecht	Briese	Geist	Hughes	Schumacher
Bostelman	Clements	Groene	Kuehn	Watermeier
Brasch	Erdman	Halloran	Lowe	
Brewer	Friesen	Hilgers	Murante	

The motion to cease debate prevailed with 30 ayes, 1 nay, and 18 present and not voting.

The Erdman amendment lost with 10 ayes, 32 nays, and 7 present and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 358. Introduced by Thibodeau, 6; Harr, 8; Hilgers, 21; Krist, 10.

WHEREAS, the Omaha Creighton Prep academic decathlon team won the large-school division and the overall state title at the 2018 Nebraska Academic Decathlon; and

WHEREAS, the Academic Decathlon is a national program that engages scholars throughout the country; and

WHEREAS, each year a different topic is chosen and students study that topic through the fields of literature, art, music, math, science, economics, history, speech, interview, and essay. The topic for this year was Africa; and

WHEREAS, this competition promotes academic growth, teamwork, and communication skills among students of all achievement levels; and

WHEREAS, Gabe Drew, Joe McGill, Matthew Muellner, Aidan Beuchler, Jack Mowat, Paul Martin, Aidan Weindel, Isaiah Hogue, Aidan Filipi, Marcus Steinke, and Mitch Masker displayed diligence preparing for the competition; and

WHEREAS, Coaches Barbara Hake, Elaine Ayers, and Mattie Olsen did a tremendous job of mentoring the team, with the assistance of team managers Sean Patterson, Max Lauritsen, De Vanni Tang, Joey Kaplan, and Yoobin Ha; 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 Omaha Creighton Prep academic decathlon team on winning the 2018 Nebraska Academic Decathlon.
2. That a copy of this resolution be sent to the Omaha Creighton Prep academic decathlon team and coaches Barbara Hake, Elaine Ayers, and Mattie Olsen.

Laid over.

LEGISLATIVE RESOLUTION 359. Introduced by Bostelman, 23.

WHEREAS, the Wahoo High School boys' basketball team won the 2018 Class C-1 Boys' State Basketball Championship; and

WHEREAS, this is the eleventh state title for the Wahoo Warriors boys' basketball team and the first state title since 2013; and

WHEREAS, the Warriors defeated Winnebago in overtime with a score of 70-66 to win the championship; and

WHEREAS, Coach Kevin Scheef provided the leadership to cap a 24-2 regular season with a state championship; 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 Wahoo High School boys' basketball team on winning the Class C-1 Boys' State Basketball Championship.
2. That a copy of this resolution be sent to the Wahoo High School boys' basketball team and Coach Kevin Scheef.

Laid over.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 946. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

SELECT FILE

LEGISLATIVE BILL 944. Senator Wishart offered her amendment, AM2514, found on page 1034.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 360. Introduced by Harr, 8; Baker, 30; Briese, 41; Ebke, 32; Halloran, 33; Hansen, 26; Hilgers, 21; Howard, 9; Kolowski, 31; Krist, 10; Morfeld, 46; Pansing Brooks, 28; Scheer, 19; Schumacher, 22; Stinner, 48; Thibodeau, 6; Wayne, 13; Williams, 36.

WHEREAS, the Honorable John F. Wright, Nebraska Supreme Court Justice and lifelong Nebraskan, was born December 24, 1945, in Scottsbluff, Nebraska; and

WHEREAS, Justice Wright earned a Bachelor of Science degree from the University of Nebraska in 1967 and a Juris Doctor from the University of Nebraska in 1970; and

WHEREAS, Justice Wright served in the United States Army in 1970 and the Nebraska National Guard from 1970 to 1976; and

WHEREAS, Justice Wright was married to Deborah Johnson for 45 years, and together they raised four children: Jane, Charlie, John, and Ellen; and

WHEREAS, Justice Wright practiced law in Scottsbluff, Nebraska, from 1970 to 1991; and

WHEREAS, in 1991, Justice Wright was appointed by Governor E. Benjamin Nelson to serve as one of the original members of the Nebraska Court of Appeals; and

WHEREAS, Justice Wright was appointed to the Nebraska Supreme Court by Governor Nelson in 1994; and

WHEREAS, Justice Wright passed away after a long battle with cancer on March 18, 2018, surrounded by his wife and children.

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

1. That the Legislature hereby recognizes and honors Justice John F. Wright, who dedicated his life to serving Nebraska, and extends its sympathy to his family and friends.

2. That a copy of this resolution be sent to the family of Justice John F. Wright.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to LB1103:
AM2439

1 1. On page 2, line 11, strike "2019-20" and insert "2020-21".

Senator Friesen filed the following amendment to LB1103:
AM2440

1 1. On page 2, line 14, strike "twenty-five" and insert "thirty".

Senator Friesen filed the following amendment to LB1103:
AM2574

1 1. On page 2, line 11, strike "2019-20" and insert "2020-21".

Senator Friesen filed the following amendment to LB1103:

AM2576

1 1. On page 2, line 14, strike "twenty-five" and insert "thirty".

Senator Friesen filed the following amendment to LB1103:

AM2575

(Amendments to Final Reading copy)

1 1. On page 2, line 11, strike "2019-20" and insert "2020-21".

Senator Friesen filed the following amendment to LB1103:

AM2577

(Amendments to Final Reading copy)

1 1. On page 2, line 14, strike "twenty-five" and insert "thirty".

Senator Morfeld filed the following amendment to LB948:

AM2561

(Amendments to Standing Committee amendments, AM1931)

1 1. On page 2, line 9, strike "establish and maintain", show as
2 stricken, and insert "eventually get to establishing and maintaining";
3 and in line 14 strike the period, show as stricken, and insert an
4 underscored question mark.

Senator Chambers filed the following amendment to LB596:

AM2578

(Amendments to AM2523)

1 1. On page 1, line 14, after "Equine" insert ", cat, and dog"; in
2 line 17 after "equines" insert ", cats, and dogs"; and in line 23 after
3 "equine" insert ", cat, and dog".
4 2. On page 4, line 1, after "equine" insert ", cat, and dog".

Senator Kolterman filed the following amendment to LB1005:

AM2560 is available in the Bill Room.

SELECT FILE

LEGISLATIVE BILL 944. The Wishart amendment, AM2514, found on page 1034 and considered in this day's Journal, was renewed.

Senator Stinner offered the following motion:

MO279

Invoke cloture pursuant to Rule 7, Sec. 10.

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

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

Voting in the affirmative, 30:

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

Voting in the negative, 8:

Chambers	Howard	Krist	Pansing Brooks
Hansen	Kolowski	Morfeld	Schumacher

Present and not voting, 10:

Baker	Bolz	Harr	Vargas	Wayne
Blood	Crawford	Quick	Walz	Wishart

Excused and not voting, 1:

McCollister

The Stinner motion to invoke cloture failed with 30 ayes, 8 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 950. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1132. Title read. Considered.

Committee AM1971, found on page 761, was offered.

Senator Lindstrom withdrew his amendment, AM2159, found on page 841.

Senator Lindstrom offered his amendment, AM2361, found on page 986, to the committee amendment.

SPEAKER SCHEER PRESIDING

The Lindstrom amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 986. Title read. Considered.

Committee AM1958, found on page 765, was offered.

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 945. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

VISITORS

Visitors to the Chamber were 24 grass roots coordinators of the Rural Electric Association from across the state.

RECESS

At 6:00 p.m., on a motion by Senator Linehan, the Legislature recessed until 6:30 p.m.

AFTER RECESS

The Legislature reconvened at 6:30 p.m., Speaker Scheer presiding.

ROLL CALL

The roll was called and all members were present except Senators Kuehn, McCollister, Pansing Brooks, Stinner, Vargas, Watermeier, Wayne, and Williams who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 986. Senator Larson offered the following motion:
MO280

Unanimous consent to bracket until April 18, 2018.

Senator Hansen objected.

Senator Larson offered the following motion:
MO281

Bracket until April 18, 2018.

SENATOR LINDSTROM PRESIDING

Senator Friesen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

Senator Larson moved for a call of the house. The motion prevailed with 33 ayes, 4 nays, and 12 not voting.

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

Voting in the affirmative, 27:

Albrecht	Ebke	Hilgers	Lowe	Thibodeau
Bostelman	Erdman	Hughes	Murante	Watermeier
Brasch	Friesen	Kolterman	Riepe	Williams
Brewer	Geist	Larson	Scheer	
Briese	Groene	Lindstrom	Smith	
Clements	Halloran	Linehan	Stinner	

Voting in the negative, 18:

Blood	Harr	Krist	Quick	Wayne
Bolz	Hilkemann	McDonnell	Schumacher	Wishart
Chambers	Howard	Morfeld	Vargas	
Crawford	Kolowski	Pansing Brooks	Walz	

Present and not voting, 2:

Baker Hansen

Excused and not voting, 2:

Kuehn McCollister

The Larson motion to bracket prevailed with 27 ayes, 18 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

MESSAGE(S) FROM THE GOVERNOR

March 21, 2018

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 17, 256, 321, 743, 750, 775, 874, and 936 were received in my office on March 15, 2018.

These bills were signed and delivered to the Secretary of State on March 21, 2018.

Sincerely,
(Signed) Pete Ricketts
Governor

March 21, 2018

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB350 without my signature and with my objections.

This legislation broadens a section of the Nebraska Probation Administration Act that permits specific criminal convictions to be nullified or "set aside." LB350 dramatically expands the number and nature of convictions that can be set aside.

Current law only allows a set aside petition to be made by a person with a criminal conviction whose punishment is either a fine or a sentence of probation. This bill would allow, for the first-time, felons who are convicted of dangerous crimes and who are sentenced to long prison terms to have their convictions set aside.

My primary concern with LB350 is its dramatic expansion of the set aside to serious felony convictions. Supporters of the bill tend to cite to cases involving low-level crimes; however, the final bill is not limited to low-level offenders. Criminal convictions for serious, violent, or heinous crimes like human trafficking, murder, and domestic assault could be set aside under the bill. Only felons with specific motor vehicle offenses, sex offender crimes, criminal charges pending, or who are within two years of a prior petition are barred from seeking a set aside from a court.

The bill is confusing and misleading. Originally, the bill clearly stated that a set aside would "remove all civil disabilities and disqualifications imposed as a result of the conviction except for the offender's right to possess a firearm under state or federal law." As introduced, the bill also clearly stated that the set aside "does not restore the offender's ability to possess a firearm under state or federal law." Now, LB350 tells an offender to consult an attorney regarding the effect of the bill on the offender's firearms rights. The change appears to be an attempt to restore offenders' gun rights. The resulting final bill is confusing.

There is also confusion created by the fact that, as introduced, LB350 made it clear that a set aside order would not affect a crime victim's right to prosecute or defend a civil action. As passed by the Legislature, this

provision was stricken from the bill. The intent of the Legislature and the status of the law regarding the impact of a set aside on victim's rights are unclear.

While a set aside does not have the same effect as a pardon, it still removes consequences that follow a criminal conviction. This weakens the deterrent impact of serious criminal sentences for serious felonies.

LB350 weakens confidence in the criminal justice system by dramatically liberalizing the ability of serious felonies like murder, arson, human trafficking, armed robbery, drug manufacturing, drug distribution, and assault on a police officer or emergency responder to be set aside. Anyone convicted of these crimes would likely face an extended sentence in our state prison system. It is wrong to put post-sentence remedies for these crimes on the same level as those where a judge believes a simple fine or time in the community on probation is the appropriate sanction.

This bill sends the wrong message to victims of crime and to society. It represents poor public policy.

For these reasons, I respectfully urge you to sustain my veto of LB350.

Sincerely,
(Signed) Pete Ricketts
Governor

GENERAL FILE

LEGISLATIVE BILL 1009. Title read. Considered.

Committee AM1737, found on page 790, was offered.

Senator Smith offered his amendment, AM2254, found on page 861, to the committee amendment.

The Smith amendment was adopted with 34 ayes, 1 nay, 11 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 1 nay, 11 present and not voting, and 3 excused and not voting.

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

Voting in the affirmative, 35:

Baker	Clements	Harr	Linehan	Schumacher
Bolz	Crawford	Hilkemann	Lowe	Smith
Bostelman	Ebke	Hughes	McDonnell	Stinner
Brasch	Friesen	Kolowski	Murante	Vargas
Brewer	Geist	Krist	Quick	Watermeier
Briese	Groene	Larson	Riepe	Williams
Chambers	Halloran	Lindstrom	Scheer	Wishart

Voting in the negative, 2:

Albrecht Walz

Present and not voting, 9:

Blood	Hilgers	Kolterman	Pansing Brooks	Wayne
Erdman	Howard	Morfeld	Thibodeau	

Excused and not voting, 3:

Hansen Kuehn McCollister

Advanced to Enrollment and Review Initial with 35 ayes, 2 nays, 9 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1005. Placed on Select File with amendment.

ER137

1 1. In the Standing Committee amendments, AM2204:

2 a. On page 4, line 20; and page 41, line 1, strike the semicolon and

3 insert an underscored period;

4 b. On page 18, line 15, strike "effective date of this act" and

5 insert "operative date of this section"; and

6 c. On page 53, line 5, strike the period and insert an underscored

7 semicolon.

8 2. On page 1, strike beginning with "retirement" in line 1 through

9 line 8 and insert "government; to amend sections 23-2302, 23-2305,

10 23-2306.02, 23-2306.03, 23-2310.05, 23-2323.02, 23-2323.03, 23-3527,

11 24-704, 24-704.01, 24-710, 24-710.05, 24-710.06, 79-904, 79-905, 79-907,

12 79-915, 79-924, 79-933.01, 79-933.02, 79-933.03, 79-933.04, 79-933.07,

13 81-2019, 81-2031.03, 81-2031.04, 84-1305, 84-1310.01, 84-1311.03,

14 84-1312, 84-1313, 85-122, and 85-123.01, Reissue Revised Statutes of

15 Nebraska, sections 23-2305.01, 23-2306, 23-2309.01, 79-9,113, 81-2019.01,

16 81-2026, and 84-1305.02, Revised Statutes Cumulative Supplement, 2016,

17 and sections 23-2323.01, 79-902, 79-904.01, 79-926, 79-978, 81-2014,

18 84-1301, 84-1325, and 84-1503, Revised Statutes Supplement, 2017; to

19 change provisions relating to employer removal or withdrawal from the

20 Retirement System for Nebraska Counties or the School Employees

21 Retirement System of the State of Nebraska; to change provisions relating
 22 to facility participation in a retirement system under the County
 23 Employees Retirement Act; to provide authority relating to the adoption
 24 of bylaws, prescription of forms, and adoption and promulgation of rules
 25 and regulations by the Public Employees Retirement Board to carry out
 26 state-administered retirement acts as prescribed; to redefine actuarial
 27 equivalent in the School Employees Retirement Act, the Nebraska State
 1 Patrol Retirement Act, and the State Employees Retirement Act; to change
 2 calculation of retirement benefits and required contributions under the
 3 Class V School Employees Retirement Act; to change provisions relating to
 4 investment and management of the University Trust Fund; to harmonize
 5 provisions; to provide operative dates; to provide severability; to
 6 repeal the original sections; and to declare an emergency."

LEGISLATIVE BILL 993A. Placed on Select File.

LEGISLATIVE BILL 1090A. Placed on Select File.

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Hansen filed the following amendment to LB986:

AM2072

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

3 Section 1. Sections 1 to 19 of this act shall be known and may be
 4 cited as the Neighborhood Improvement District Act.

5 Sec. 2. The Legislature finds that municipalities in the state
 6 contain many older neighborhoods in need of revitalization but lack the
 7 funds with which to provide and maintain improvements. The purpose of the
 8 Neighborhood Improvement District Act is to provide a means by which such
 9 municipalities may raise the necessary funds to be used for the purpose
 10 of providing and maintaining the improvements authorized by the act, to
 11 stimulate the development of public improvements by providing an
 12 equitable and politically expeditious method of financing such
 13 improvements, and to supplement, but not reduce, the level of government
 14 services provided.

15 Sec. 3. For purposes of the Neighborhood Improvement District Act:
 16 (1) Homeowners association means a nonprofit corporation duly
 17 incorporated under the laws of the State of Nebraska for the purpose of
 18 enforcing the restrictive covenants established upon the real property
 19 legally described in the articles of incorporation and located within the
 20 corporate limits of a municipality. Each member of such association must
 21 be an owner of a lot located within the plat or subdivision and, by
 22 virtue of membership or ownership of a lot, obligated to pay costs for
 23 the administration, maintenance, and care of the common area within the
 24 plat or subdivision. Homeowners association includes associations of
 25 residential homeowners, nonresidential property owners, or both;
 26 (2) Municipality means any city of the primary class, city of the

27 first class, or city of the second class;

1 (3) Neighborhood means a well-defined and established area of the
2 municipality zoned primarily for residential use;

3 (4) Neighborhood association means an organization that is
4 recognized or endorsed by a municipality as representing all of the
5 residents within a specifically defined geographical area, with the
6 organization representing those residents on a wide range of issues
7 through an open meeting process with elected officers and regularly
8 scheduled meetings; and

9 (5) Record owner means the fee owner of real property as shown in
10 the records of the office of the register of deeds in the county in which
11 the neighborhood area is located. A contract purchaser of real property
12 shall be considered the record owner and the only person entitled to
13 petition pursuant to section 8 or 14 of this act or protest pursuant to
14 section 9 or 15 of this act, if the contract is recorded in the office of
15 the register of deeds in the county in which the neighborhood area is
16 located.

17 Sec. 4. Any funds available under the Neighborhood Improvement
18 District Act may be used for any one or more of the following purposes:

19 (1) Improvement of any public place or facility in the neighborhood
20 improvement district area, including landscaping, physical improvements
21 for decoration or security purposes, and plantings;

22 (2) Construction or installation of pedestrian plazas, sidewalks,
23 parks, public restrooms, meeting and display facilities, bus stop
24 shelters, lighting, benches or other seating furniture, sculptures, trash
25 receptacles, shelters, fountains, pedestrian and vehicular overpasses and
26 underpasses, and any other useful or necessary public improvements or
27 projects whether capital or noncapital in nature;

28 (3) Creation and implementation of a plan for improving the general
29 architectural design of public areas in the neighborhood improvement
30 district;

31 (4) The development and promotion of any public or social activities
1 and public events within the neighborhood improvement district area;

2 (5) Maintenance, repair, and reconstruction of any improvements or
3 facilities authorized by the Neighborhood Improvement District Act;

4 (6) Establishing or assisting with neighborhood watch programs;

5 (7) Establishing or assisting with neighborhood cleanup, litter
6 cleanup, recycling, or other trash abatement programs; and

7 (8) Employing or contracting for personnel, including administrators
8 for any improvement program under the act, and providing for any service
9 as may be necessary or proper to carry out the purposes of the
10 Neighborhood Improvement District Act.

11 Sec. 5. A neighborhood improvement district may be created as
12 provided by the Neighborhood Improvement District Act and shall be within
13 the boundaries of a neighborhood.

14 Sec. 6. (1) The mayor, with the approval of the city council, shall
15 appoint a neighborhood improvement board consisting of residents and
16 property owners within the neighborhood to be improved. The boundaries of
17 the neighborhood improvement district shall be declared by resolution of

18 the city council at or prior to the time of the appointment of the
19 neighborhood improvement board. The neighborhood improvement board shall
20 make recommendations to the city council for the establishment of a plan
21 or plans for improvements in the neighborhood improvement district. The
22 neighborhood improvement board may make recommendations to the
23 municipality as to the use of any funds collected, and may administer
24 such funds if so directed by the mayor and city council. The neighborhood
25 improvement board shall also review and make recommendations to the
26 municipality regarding expansion of the boundaries of the neighborhood
27 improvement district under sections 13 to 16 of this act.

28 (2) The mayor, with approval of the city council, may designate an
29 existing neighborhood association board or homeowners association board
30 within the neighborhood as the neighborhood improvement board in lieu of
31 appointing a neighborhood improvement board under subsection (1) of this
1 section.

2 Sec. 7. Unless the mayor designates an existing neighborhood
3 association board or homeowners association board as the neighborhood
4 improvement board pursuant to subsection (2) of section 6 of this act,
5 the neighborhood improvement board shall consist of five or more members
6 to serve such terms as the city council by resolution determines. A
7 majority of the members of the board shall be residents of the
8 neighborhood. The mayor, with the approval of the city council, shall
9 fill any vacancy for the term vacated. A board member may serve more than
10 one term. The board shall select from its members a chairperson and a
11 secretary.

12 Sec. 8. If the city council has not acted to call a hearing to
13 create a neighborhood improvement district as provided in section 11 of
14 this act, it shall do so when presented with a petition signed by the
15 record owners of at least thirty percent of the assessable front footage
16 in a neighborhood.

17 Sec. 9. Whenever a hearing is held pursuant to section 8 or 11 of
18 this act, the city council shall:

19 (1) Hear all protests and receive evidence for or against the
20 proposed action;

21 (2) Rule upon all written protests received prior to the close of
22 the hearing, which ruling shall be final; and

23 (3) Continue the hearing from time to time as the city council may
24 deem necessary.

25 Sec. 10. If the city council decides to change the boundaries of
26 the proposed neighborhood improvement district or to change the proposed
27 modifications to the boundaries of an existing neighborhood improvement
28 district or districts from those recommended by the neighborhood
29 improvement board, the hearing shall be continued to a time at least
30 fifteen days after such decision, and notice showing the boundary
31 amendments shall be given as prescribed in section 12 of this act. The
1 city council may not expand the proposed boundaries recommended by the
2 neighborhood improvement board without the city council's proposed
3 boundaries being considered by the neighborhood improvement board.

4 Sec. 11. Upon receiving a recommendation from the neighborhood

5 improvement board, the city council may create one or more neighborhood
6 improvement districts. The city council, following a hearing, may
7 establish or reject any proposed neighborhood improvement district or
8 districts. If the city council decides to establish any neighborhood
9 improvement district, it shall adopt an ordinance to that effect. Such
10 ordinance shall contain the following information:
11 (1) A statement that notice of hearing was given, including the date
12 or dates on which notice was given, in accordance with section 12 of this
13 act;
14 (2) The time and place the hearing was held concerning the formation
15 of the neighborhood improvement district;
16 (3) A statement that a neighborhood improvement district has been
17 established;
18 (4) The purposes of the neighborhood improvement district, and the
19 public improvements or facilities to be included in such district; and
20 (5) A description of the boundaries of the neighborhood improvement
21 district.
22 Sec. 12. (1) At least thirty days prior to the date of any hearing
23 under section 8, 11, 13, or 14 of this act, notice of such hearing shall
24 be given by:
25 (a) Two publications of the notice of hearing in a legal newspaper
26 in or of general circulation in the municipality with the second notice
27 published no later than ten days prior to the hearing;
28 (b) Mailing a copy of the notice of hearing to each owner of taxable
29 property in the proposed, modified, or expanded neighborhood improvement
30 district as shown on the latest tax rolls of the county treasurer for
31 such county; and
1 (c) Providing a copy of the notice of hearing to any neighborhood
2 association registered pursuant to subsection (2) of this section in the
3 manner requested by such neighborhood association unless the board of any
4 such neighborhood association has been designated as the neighborhood
5 improvement district board pursuant to subsection (2) of section 6 of
6 this act.
7 (2) The notice required by subdivision (1)(c) of this section shall
8 be provided to any neighborhood association which is registered pursuant
9 to this subsection and whose area of concern is located, in whole or in
10 part, within a one-mile radius of the existing or proposed boundaries of
11 the neighborhood improvement district. Each neighborhood association
12 desiring to receive such notice shall register with the municipality the
13 area of concern of such association and provide the name of and contact
14 information for the individual designated to receive notice on behalf of
15 such association and the requested manner of service, whether by email or
16 regular, certified, or registered mail. The registration shall be in
17 accordance with any rule or ordinance adopted by the city council.
18 (3) Any notice of hearing for any hearing required by section 8 or
19 11 of this act shall contain the following information:
20 (a) A description of the boundaries of the proposed neighborhood
21 improvement district;
22 (b) The time and place of a hearing to be held by the city council

23 to consider establishment of the neighborhood improvement district;
24 (c) The proposed public facilities or improvements to be made or
25 maintained within any such neighborhood improvement district; and
26 (d) The proposed or estimated costs for such improvements or
27 facilities within the proposed neighborhood improvement district and the
28 method by which such costs will be paid.
29 (4) Any notice of hearing for any hearing required by section 13 or
30 14 of this act shall contain the following information:
31 (a) A description of the boundaries of the area to be added to the
1 existing neighborhood improvement district and a description of the new
2 boundaries of the modified neighborhood improvement district;
3 (b) The time and place of a hearing to be held by the city council
4 to consider establishment of the modified neighborhood improvement
5 district;
6 (c) The new public facilities or improvements, if any, to be made or
7 maintained within any such neighborhood improvement district; and
8 (d) The proposed or estimated costs for new or existing improvements
9 and facilities within the proposed modified neighborhood improvement
10 district and the method by which such costs will be paid.
11 Sec. 13. Upon receiving a recommendation to expand the boundaries
12 or change the functions or provisions of an existing neighborhood
13 improvement district from the neighborhood improvement board, the city
14 council may expand the boundaries or change the functions or provisions
15 of one or more neighborhood improvement districts by adopting an
16 ordinance to expand the boundaries or change the functions or provisions
17 of such neighborhood improvement district or districts. Prior to adopting
18 the ordinance, a hearing shall be held to consider the ordinance.
19 Sec. 14. If a city council has not acted to call a hearing to
20 expand the boundaries or change the functions or provisions of an
21 existing neighborhood improvement district as provided in section 13 of
22 this act, it shall do so when presented with a petition signed by the
23 record owners of at least thirty percent of the assessable front footage
24 in a portion of a neighborhood proposed to be added to an existing
25 neighborhood improvement district.
26 Sec. 15. Whenever a hearing is held to expand the boundaries or
27 change the functions or provisions of an existing neighborhood
28 improvement district under section 13 or 14 of this act, the city council
29 shall:
30 (1) Hear all protests and receive evidence for or against the
31 proposed action;
1 (2) Rule upon all written protests received prior to the close of
2 the hearing, which ruling shall be final; and
3 (3) Continue the hearing from time to time as the city council may
4 deem necessary.
5 Sec. 16. The city council, following a hearing under section 13 or
6 14 of this act, may expand the boundaries or change the functions or
7 provisions of any neighborhood improvement district or districts. If the
8 city council decides to expand the boundaries or change the functions or
9 provisions of any district or districts, it shall adopt an ordinance to

10 that effect. The ordinance shall contain the following information:
 11 (1) The name of the neighborhood improvement district to be expanded
 12 or otherwise changed;
 13 (2) A statement that notice of hearing was given, including the date
 14 or dates on which notice was given, in accordance with section 12 of this
 15 act;
 16 (3) The time and place the hearing was held concerning the new
 17 boundaries or changed functions or provisions of such neighborhood
 18 improvement district;
 19 (4) The purposes of the boundary expansion or changed functions or
 20 provisions and any new public improvements or facilities to be included
 21 in such neighborhood improvement district; and
 22 (5) A description of the new boundaries or changed functions or
 23 provisions of such neighborhood improvement district.
 24 Sec. 17. The city council may dissolve a neighborhood improvement
 25 district by ordinance after a hearing before the city council. The city
 26 council shall adopt a resolution of intention to dissolve the area at
 27 least fifteen days prior to the hearing required by this section. The
 28 resolution shall give the time and place of the hearing.
 29 Sec. 18. Upon dissolution of a neighborhood improvement district,
 30 any assets acquired by the district shall be subject to disposition as
 31 the city council shall determine.
 1 Sec. 19. A municipality is authorized to receive, administer, and
 2 disburse donated funds or grants of federal or state funds for the
 3 purposes of, and in the manner authorized by, the Neighborhood
 4 Improvement District Act.
 5 Sec. 20. The Revisor of Statutes shall assign sections 1 to 19 of
 6 this act to a new article in Chapter 19.

GENERAL FILE

LEGISLATIVE BILL 1091. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 865. Title read. Considered.

Committee AM1549, found on page 318, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 827. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 906. Title read. Considered.

SPEAKER SCHEER PRESIDING

Pending.

LEGISLATIVE BILL 940. Title read. Considered.

Committee AM1585, found on page 448, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senator Friesen offered his amendment, AM1743, found on page 568.

The Friesen amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 940A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Harr filed the following amendment to LB947:

FA123
Amend AM2542
Strike Section 1.

Senator Harr filed the following amendment to LB947:

FA124
Amend AM2542
Strike Section 2.

Senator Harr filed the following amendment to LB947:

FA125
Amend AM2542
Strike Section 3.

Senator Harr filed the following amendment to LB947:

FA126
Amend AM2542
Strike Section 4.

GENERAL FILE

LEGISLATIVE BILL 906. Senator Harr offered the following amendment:

AM2597

- 1 1. Insert the following section:
- 2 Sec. 2. Due to the absence, sickness, disability, or conflict of
- 3 interest of the Attorney General and his or her assistants, or upon
- 4 request of the Attorney General for good cause, the Supreme Court, the
- 5 Court of Appeals, or any district court, separate juvenile court, or
- 6 county court before which the cause may be heard may appoint an attorney
- 7 to act as Attorney General or as an assistant Attorney General in any
- 8 investigation, appearance, or trial by an order entered upon the minutes
- 9 of the court. An attorney appointed under this section shall be
- 10 independent of and not under the direction of the Attorney General. Such
- 11 attorney shall be allowed compensation for such services as the court
- 12 determines, to be paid by the Department of Administrative Services upon
- 13 presenting to the department the certificate of the judge before whom the
- 14 cause was tried certifying to services rendered by such attorney and the
- 15 amount of compensation.
- 16 2. Renumber the remaining section.

Senator Harr withdrew his amendment.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1081. Title read. Considered.

Senator Linehan offered the following amendment:

AM2593

- 1 1. Insert the following new sections:
- 2 Sec. 20. Sections 20 to 27 of this act shall be known and may be
- 3 cited as the Nebraska Reading Improvement Act.
- 4 Sec. 21. It is the intent of the Legislature that:
- 5 (1) School boards develop policies to facilitate reading instruction
- 6 and intervention services to address student reading needs, including,
- 7 but not limited to, dyslexia;
- 8 (2) All teachers for kindergarten through grade three should be
- 9 effective reading teachers as evidenced by (a) evaluations based on
- 10 classroom observations and student improvement on reading assessments,
- 11 (b) an endorsement related to reading instruction, or (c) specialized
- 12 training in reading improvement;
- 13 (3) Each student and his or her parents or guardians be informed of
- 14 the student's reading progress; and
- 15 (4) Each student in a public school be able to read at or above
- 16 grade level by third grade.
- 17 Sec. 22. (1) For the 2019-20 school year and each school year
- 18 thereafter, each school district shall administer an approved reading

19 assessment three times during such school year to all students in
20 kindergarten through grade three, except any student receiving
21 specialized instruction for limited English proficiency who has been
22 receiving such instruction for less than two years, any student receiving
23 special education services for whom such assessment would conflict with
24 the individualized education plan, and any student receiving services
25 under a plan pursuant to the requirements of section 504 of the federal
26 Rehabilitation Act of 1973, 29 U.S.C. 794, or Title II of the federal
27 Americans with Disabilities Act of 1990, 42 U.S.C. 12131 to 12165, as
1 such acts and sections existed on January 1, 2018, for whom such
2 assessment would conflict with such section 504 or Title II plan. The
3 first administration of such assessment for each such school year shall
4 occur within the first thirty days of the school year.

5 (2) For purposes of the Nebraska Reading Improvement Act, an
6 approved reading assessment means an assessment of student reading skills
7 approved by the State Department of Education which:

8 (a) Measures progress toward proficiency in the reading skills
9 assessed pursuant to subsection (5) of section 79-760.03 on the statewide
10 assessment of reading for grade three;

11 (b) Is valid and reliable;

12 (c) Is aligned with academic content standards for reading adopted
13 by either the board pursuant to section 79-760.01 or the school district
14 administering such assessment pursuant to section 79-760.02; and

15 (d) Allows teachers access to results in a reasonable time period as
16 established by the department, not to exceed fifteen working days.

17 (3) An approved reading assessment may be either commercially
18 available or developed by a school district or educational service unit
19 if such reading assessment complies with requirements established by the
20 department.

21 (4) On or before March 1, 2019, and on or before each March 1
22 thereafter, the department shall make public the list of approved reading
23 assessments for the subsequent school year and the threshold level of
24 performance for each such assessment below which a student will be
25 identified as having a reading deficiency for purposes of the Nebraska
26 Reading Improvement Act.

27 (5) On or before March 1, 2019, and as needed thereafter, the
28 department shall make public the threshold level of performance for the
29 statewide assessment of reading administered pursuant to section
30 79-760.03 for grade three below which a student will be identified as
31 having a reading deficiency for purposes of the Nebraska Reading
1 Improvement Act.

2 (6) Diagnostic assessments used within a supplemental reading
3 intervention program do not require department approval.

4 Sec. 23. (1) Any student in kindergarten, grade one, grade two, or
5 grade three shall be identified as having a reading deficiency if such
6 student performs below the threshold level set pursuant to section 22 of
7 this act on an approved reading assessment. A student who is identified
8 as having a reading deficiency pursuant to this subsection shall remain
9 identified as having a reading deficiency until the student performs at

10 or above the threshold level on an approved reading assessment or at or
11 above the threshold level on the statewide assessment of reading
12 administered pursuant to section 79-760.03 for grade three.
13 (2) Nothing in the Nebraska Reading Improvement Act shall prohibit a
14 school district from identifying any other student as having a reading
15 deficiency.
16 Sec. 24. Each school district shall provide a supplemental reading
17 intervention program for the purpose of ensuring that students can read
18 at or above grade level at the end of third grade. School districts may
19 work collaboratively with educational service units, with learning
20 communities, or through interlocal agreements to develop and provide such
21 supplemental reading intervention programs. Each supplemental reading
22 intervention program shall:
23 (1) Be provided to any student identified as having a reading
24 deficiency;
25 (2) Be implemented during regular school hours in addition to
26 regular reading instruction unless otherwise agreed to by a parent or
27 guardian;
28 (3) Utilize reading intervention techniques that are based on
29 scientific research and best practices;
30 (4) Administer diagnostic assessments to frequently monitor student
31 progress throughout the school year and adjust instruction accordingly;
1 (5) Provide intensive intervention using strategies selected from
2 the following list to match the weaknesses identified in the diagnostic
3 assessment:
4 (a) Development in phonemic awareness, phonics, fluency, vocabulary,
5 and reading comprehension;
6 (b) Explicit and systematic instruction with detailed explanations,
7 extensive opportunities for guided practice, and opportunities for error
8 corrections and feedback; and
9 (c) Daily targeted small-group reading intervention based on student
10 needs as determined by diagnostic assessment data;
11 (6) Provide parents and guardians with strategies and resources to
12 assist with reading skills at home, including parent training workshops
13 and suggestions for parent-guided home reading;
14 (7) Encourage access to before-school or after-school supplemental
15 reading intervention with a teacher or tutor who has specialized training
16 in reading intervention; and
17 (8) Make available a summer reading program each summer for any
18 student who has been enrolled in grade one or higher and is identified as
19 continuing to have a reading deficiency at the conclusion of the school
20 year preceding such summer reading program. Such summer reading program
21 may be held in conjunction with existing summer programs in the school
22 district or in the community or may be offered online.
23 Sec. 25. (1) The school of any student who is identified as having
24 a reading deficiency shall notify such student's parents or guardians
25 either in writing or by electronic communication no later than fifteen
26 working days after the identification of the reading deficiency that the
27 student has been identified as having a reading deficiency and that an

28 individual reading improvement plan will be established and shared with
29 parents or guardians.
30 (2) Any student who is identified as having a reading deficiency
31 shall receive an individual reading improvement plan no later than thirty
1 days after the identification of such reading deficiency. The reading
2 improvement plan may be created by the teacher, the principal, other
3 pertinent school personnel, and the parents or guardians of the student
4 and shall describe the reading intervention services the student will
5 receive through the supplemental reading intervention program pursuant to
6 section 24 of this act to remedy such reading deficiency. Each such
7 student shall receive reading intervention services through the
8 supplemental reading intervention program pursuant to section 24 of this
9 act until the student is no longer identified as having a reading
10 deficiency.
11 Sec. 26. By September 1 of each year, each school board shall
12 annually report to the State Department of Education the number and
13 percentage of students by grade in kindergarten, first grade, second
14 grade, and third grade who received reading intervention services
15 pursuant to an individual reading improvement plan during the prior
16 school year. Such report shall comply with any standards used by the
17 department to protect the individual identity of a student.
18 Sec. 27. (1) The State Department of Education shall establish a
19 uniform format for school districts to report the information required
20 pursuant to section 26 of this act. The format shall be developed with
21 input from school boards and shall be provided to each school district no
22 later than ninety days prior to the annual due date.
23 (2) The department shall annually compile the information submitted
24 under section 26 of this act along with state-level summary information
25 and report such information to the public, the Governor, and
26 electronically to the Legislature on or before October 1 of each year.
27 (3) The department shall provide technical assistance as needed to
28 assist school boards in carrying out the Nebraska Reading Improvement
29 Act.
30 (4) The department may adopt and promulgate rules and regulations to
31 carry out the act.
1 2. Renumber the remaining sections accordingly.

The Linehan amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1081A. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

VISITORS

The Doctor of the Day was Dr. David Minnick from Broken Bow.

ADJOURNMENT

At 10:01 p.m., on a motion by Senator Bostelman, the Legislature adjourned until 9:00 a.m., Thursday, March 22, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SEVENTH DAY - MARCH 22, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 22, 2018

PRAYER

The prayer was offered by Senator Watermeier.

ROLL CALL

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

The roll was called and all members were present except Senators Blood, Briese, Groene, Hansen, McCollister, Morfeld, Walz, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 950. Placed on Final Reading.
ST49

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

1. In the Standing Committee amendments, AM2359, on page 1, line 2, "\$112,500" has been struck and "\$112,500.00" inserted.
2. On page 5, line 10, the second comma has been struck.

(Signed) Anna Wishart, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1008. Title read. Considered.

Committee AM2292, found on page 883, was offered.

Senator Brewer requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:

AM2564

1 1. Strike the original sections and insert the following new
 2 section:
 3 Sec. 3. (1) Notwithstanding any other provision of law, the public
 4 power industry as defined in section 70-601 and the Nebraska Power Review
 5 Board may withhold competitive or proprietary information which would
 6 give an advantage to business competitors. Competitive information is
 7 information which a reasonable person, knowledgeable of the electric
 8 utility industry, could conclude gives an advantage to business
 9 competitors.
 10 (2) Any request for records described in this section shall be
 11 subject to the procedures for public record requests provided in sections
 12 84-712 to 84-712.09.

The second committee amendment is as follows:

AM2596

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 37-613, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 37-613 (1) Any person who sells, purchases, takes, or possesses
 6 contrary to the Game Law any wildlife shall be liable to the State of
 7 Nebraska for the damages caused thereby. Such damages shall be:
 8 (a) ~~Twenty-five~~ ~~Fifteen~~ thousand dollars for each mountain sheep;
 9 (b) ~~Ten~~ ~~Five~~ thousand dollars for each elk with a minimum of twelve
 10 total points and ~~three~~ ~~one~~ thousand ~~five hundred~~ dollars for any other
 11 elk;
 12 (c) ~~Ten~~ ~~Five~~ thousand dollars for each whitetail deer with a minimum
 13 of eight total points and an inside spread between beams of at least
 14 ~~sixteen~~ ~~eighteen~~ inches, ~~two~~ ~~one~~ thousand dollars for any other antlered
 15 whitetail deer, and ~~five hundred~~ ~~two hundred fifty~~ dollars for each
 16 antlerless whitetail deer and whitetail doe deer;
 17 (d) ~~Ten~~ ~~Five~~ thousand dollars for each mule deer with a minimum of
 18 eight total points and an inside spread between beams of at least ~~twenty-~~
 19 ~~two~~ ~~twenty-four~~ inches and ~~two~~ ~~one~~ thousand dollars for any other ~~twenty-~~
 20 deer;
 21 (e) Five thousand dollars for each antelope with the shortest horn
 22 measuring a minimum of fourteen inches in length and one thousand dollars
 23 for any other antelope;
 24 (f) One thousand five hundred dollars for each bear or moose or each
 25 individual animal of any threatened or endangered species of wildlife not
 26 otherwise listed in this subsection;
 27 (g) Five ~~thousand~~ ~~hundred~~ dollars for each mountain lion, lynx,
 1 bobcat, river otter, or raw pelt thereof;
 2 (h) Twenty-five dollars for each raccoon, opossum, skunk, or raw
 3 pelt thereof;

- 4 (i) Five thousand dollars for each eagle;
5 (j) ~~Five~~ ~~One~~ hundred dollars for each wild turkey;
6 (k) Twenty-five dollars for each dove;
7 (l) Seventy-five dollars for each other game bird, other game
8 animal, other fur-bearing animal, raw pelt thereof, or nongame wildlife
9 in need of conservation as designated by the commission pursuant to
10 section 37-805, not otherwise listed in this subsection;
11 (m) Fifty dollars for each wild bird not otherwise listed in this
12 subsection;
13 (n) Seven hundred fifty dollars for each swan or paddlefish;
14 (o) Two hundred dollars for each master angler fish measuring more
15 than twelve inches in length;
16 (p) Fifty dollars for each game fish measuring more than twelve
17 inches in length not otherwise listed in this subsection;
18 (q) Twenty-five dollars for each other game fish; and
19 (r) Fifty dollars for any other species of game not otherwise listed
20 in this subsection.
- 21 (2) The commission shall adopt and promulgate rules and regulations
22 to provide for a list of master angler fish which are subject to this
23 section and to prescribe guidelines for measurements and point
24 determinations as required by this section. The commission may adopt a
25 scoring system which is uniformly recognized for this purpose.
- 26 (3) Such damages may be collected by the commission by civil action.
27 In every case of conviction for any of such offenses, the court or
28 magistrate before whom such conviction is obtained shall further enter
29 judgment in favor of the State of Nebraska and against the defendant for
30 liquidated damages in the amount set forth in this section and collect
31 such damages by execution or otherwise. Failure to obtain conviction on a
1 criminal charge shall not bar a separate civil action for such liquidated
2 damages. Damages collected pursuant to this section shall be remitted to
3 the secretary of the commission who shall remit them to the State
4 Treasurer for credit to the State Game Fund.
- 5 Sec. 2. Section 57-904, Reissue Revised Statutes of Nebraska, is
6 amended to read:
7 57-904 There is hereby established the Nebraska Oil and Gas
8 Conservation Commission. The commission shall consist of three members to
9 be appointed by the Governor. The director of the state geological survey
10 shall serve the commission in the capacity as its technical advisor, but
11 with no power to vote. Any two commissioners shall constitute a quorum
12 for all purposes. At least one member of the commission shall have had
13 experience in the production of oil or gas and shall have resided in the
14 State of Nebraska for at least one year. Each of the other members of the
15 commission shall have resided in the State of Nebraska for at least three
16 years. Initially, two of said members shall be appointed for a term of
17 two years each; and one shall be appointed for a term of four years. At
18 the expiration of the initial terms all members thereafter appointed
19 shall serve for a term of four years. The Governor may at any time remove
20 any appointed member of the commission for cause, and by appointment,
21 with the approval of the Legislature, shall fill any vacancy on the

22 commission.

23 The members of the commission shall receive as compensation for
 24 their services ~~not more than four hundred the sum of fifty~~ dollars per
 25 day for each day actually devoted to the business of the commission,
 26 ~~except - Provided,~~ that they shall not receive a sum in any one year in
 27 excess of ~~four two~~ thousand dollars each. In addition, each member of the
 28 commission shall be reimbursed for his or her actual and necessary
 29 traveling and other expenses incurred in connection with the carrying out
 30 of his or her duties as provided in sections 81-1174 to 81-1177 ~~for state~~
 31 ~~employees.~~

1 Sec. 4. Section 70-1015, Revised Statutes Cumulative Supplement,
 2 2016, is amended to read:

3 70-1015 (1) If any supplier violates Chapter 70, article 10, by
 4 either (a) ~~(1)~~ commencing the construction or finalizing or attempting to
 5 finalize the acquisition of any generation facilities, any transmission
 6 lines, or any related facilities without first providing notice or
 7 obtaining board approval, whichever is required, or (b) ~~(2)~~ serving or
 8 attempting to serve at retail any customers located in Nebraska or any
 9 wholesale customers in violation of section 70-1002.02, such
 10 construction, acquisition, or service of such customers shall be enjoined
 11 in an action brought in the name of the State of Nebraska until such
 12 supplier has complied with Chapter 70, article 10.

13 (2) If the executive director of the board determines that a private
 14 electric supplier commenced construction of a privately developed
 15 renewable energy generation facility less than thirty days prior to
 16 providing the notice required in subdivision (1)(a) of section
 17 70-1014.02, the executive director shall send notice via certified mail
 18 to the private electric supplier, informing it of the determination that
 19 the private electric supplier is in violation of such subdivision and is
 20 subject to a fine in the amount of five hundred dollars. The private
 21 electric supplier shall have twenty days from the date on which the
 22 notice is received in which to submit the notice described in such
 23 subdivision and to pay the fine. Within ten days after the private
 24 electric supplier submits a notice compliant with the provisions of
 25 subsection (1) of section 70-1014.02 and payment of the fine, the
 26 executive director of the board shall issue the written acknowledgment
 27 described in subsection (2) of section 70-1014.02. If the private
 28 electric supplier fails to submit a notice compliant with the provisions
 29 of subsection (1) of section 70-1014.02 and pay the fine within twenty
 30 days after the date on which the private electric supplier receives the
 31 notice from the executive director of the board, the private electric
 1 supplier shall immediately cease construction or operation of the
 2 privately developed renewable energy generation facility.

3 (3) If the private electric supplier disputes that construction was
 4 commenced less than thirty days prior to submitting the written notice
 5 required by subdivision (1)(a) of section 70-1014.02, the private
 6 electric supplier may request a hearing before the board. Such request
 7 shall be submitted within twenty days after the private electric supplier
 8 receives the notice sent by the executive director pursuant to subsection

9 (2) of this section. If the private electric supplier does not accept the
10 certified mail sent pursuant to such subsection, the executive director
11 shall send a second notice to the private electric supplier by first-
12 class United States mail. The private electric supplier may submit a
13 request for hearing within twenty days after the date on which the second
14 notice was mailed.

15 (4) Upon receipt of a request for hearing, the board shall set a
16 hearing date. Such hearing shall be held within sixty days after such
17 receipt. The board shall provide to the private electric supplier written
18 notice of the hearing at least twenty days prior to the date of the
19 hearing. The board or its hearing officer may grant continuances upon
20 good cause shown or upon the request of the private electric supplier.
21 Timely filing of a request for hearing by a private electric supplier
22 shall stay any further enforcement under this section until the board
23 issues an order pursuant to subsection (5) of this section or the request
24 for hearing is withdrawn.

25 (5) The board shall issue a written decision within sixty days after
26 conclusion of the hearing. All costs of the hearing shall be paid by the
27 private electric supplier if (a) the board determines that the private
28 electric supplier commenced construction of the privately developed
29 renewable energy generation facility less than thirty days prior to
30 submitting the written notice required pursuant to subsection (1) of
31 section 70-1014.02 or (b) the private electric supplier withdraws its
1 request for hearing prior to the board issuing its decision.

2 (6) A private electric supplier which the board finds to be in
3 violation of the requirements of subsection (1) of section 70-1014.02
4 shall either (a) pay the fine described in this section and submit a
5 notice compliant with the provisions of subsection (1) of section
6 70-1014.02 or (b) immediately cease construction or operation of the
7 privately developed renewable energy generation facility.

8 Sec. 5. Section 81-15,160, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

10 81-15,160 (1) The Waste Reduction and Recycling Incentive Fund is
11 created. The department shall deduct from the fund amounts sufficient to
12 reimburse itself for its costs of administration of the fund. The fund
13 shall be administered by the Department of Environmental Quality. The
14 fund shall consist of proceeds from the fees imposed pursuant to the
15 Waste Reduction and Recycling Incentive Act.

16 (2) The fund may be used for purposes which include, but are not
17 limited to:

18 (a) Technical and financial assistance to political subdivisions for
19 creation of recycling systems and for modification of present recycling
20 systems;

21 (b) Recycling and waste reduction projects, including public
22 education, planning, and technical assistance;

23 (c) Market development for recyclable materials separated by
24 generators, including public education, planning, and technical
25 assistance;

26 (d) Capital assistance for establishing private and public

27 intermediate processing facilities for recyclable materials and
28 facilities using recyclable materials in new products;
29 (e) Programs which develop and implement composting of yard waste
30 and composting with sewage sludge;
31 (f) Technical assistance for waste reduction and waste exchange for
1 waste generators;
2 (g) Programs to assist communities and counties to develop and
3 implement household hazardous waste management programs;
4 (h) Capital assistance for establishing private and public
5 facilities to manufacture combustible waste products and to incinerate
6 combustible waste to generate and recover energy resources, except that
7 no disbursements shall be made under this section for scrap tire
8 processing related to tire-derived fuel; and
9 (i) Grants for reimbursement of costs to cities of the second class,
10 villages, and counties of five thousand or fewer population for the
11 deconstruction of abandoned buildings. Eligible deconstruction costs will
12 be related to the recovery and processing of recyclable or reusable
13 material from the abandoned buildings.
14 (3) Grants up to one million five hundred thousand dollars annually
15 shall be available until June 30, ~~2019~~ 2024, for new scrap tire projects
16 only, if acceptable scrap tire project applications are received.
17 Eligible categories of disbursement under section 81-15,161 may include,
18 but are not limited to:
19 (a) Reimbursement for the purchase of crumb rubber generated and
20 used in Nebraska, with disbursements not to exceed fifty percent of the
21 cost of the crumb rubber;
22 (b) Reimbursement for the purchase of tire-derived product which
23 utilizes a minimum of twenty-five percent recycled tire content, with
24 disbursements not to exceed twenty-five percent of the product's retail
25 cost;
26 (c) Participation in the capital costs of building, equipment, and
27 other capital improvement needs or startup costs for scrap tire
28 processing or manufacturing of tire-derived product, with disbursements
29 not to exceed fifty percent of such costs or five hundred thousand
30 dollars, whichever is less;
31 (d) Participation in the capital costs of building, equipment, or
1 other startup costs needed to establish collection sites or to collect
2 and transport scrap tires, with disbursements not to exceed fifty percent
3 of such costs;
4 (e) Cost-sharing for the manufacturing of tire-derived product, with
5 disbursements not to exceed twenty dollars per ton or two hundred fifty
6 thousand dollars, whichever is less, to any person annually;
7 (f) Cost-sharing for the processing of scrap tires, with
8 disbursements not to exceed twenty dollars per ton or two hundred fifty
9 thousand dollars, whichever is less, to any person annually;
10 (g) Cost-sharing for the use of scrap tires for civil engineering
11 applications for specified projects, with disbursements not to exceed
12 twenty dollars per ton or two hundred fifty thousand dollars, whichever
13 is less, to any person annually;

14 (h) Disbursement to a political subdivision up to one hundred
15 percent of costs incurred in cleaning up scrap tire collection and
16 disposal sites; and
17 (i) Costs related to the study provided in section 81-15,159.01.
18 The director shall give preference to projects which utilize scrap
19 tires generated and used in Nebraska.
20 (4) Priority for grants made under section 81-15,161 shall be given
21 to grant proposals demonstrating a formal public/private partnership
22 except for grants awarded from fees collected under subsection (6) of
23 section 13-2042.
24 (5) Grants awarded from fees collected under subsection (6) of
25 section 13-2042 may be renewed for up to a five-year grant period. Such
26 applications shall include an updated integrated solid waste management
27 plan pursuant to section 13-2032. Annual disbursements are subject to
28 available funds and the grantee meeting established grant conditions.
29 Priority for such grants shall be given to grant proposals showing
30 regional participation and programs which address the first integrated
31 solid waste management hierarchy as stated in section 13-2018 which shall
1 include toxicity reduction. Disbursements for any one year shall not
2 exceed fifty percent of the total fees collected after rebates under
3 subsection (6) of section 13-2042 during that year.
4 (6) Any person who stores waste tires in violation of section
5 13-2033, which storage is the subject of abatement or cleanup, shall be
6 liable to the State of Nebraska for the reimbursement of expenses of such
7 abatement or cleanup paid by the Department of Environmental Quality.
8 (7) The Department of Environmental Quality may receive gifts,
9 bequests, and any other contributions for deposit in the Waste Reduction
10 and Recycling Incentive Fund. Transfers may be made from the fund to the
11 General Fund at the direction of the Legislature. Any money in the Waste
12 Reduction and Recycling Incentive Fund available for investment shall be
13 invested by the state investment officer pursuant to the Nebraska Capital
14 Expansion Act and the Nebraska State Funds Investment Act.
15 Sec. 6. The Revisor of Statutes shall assign section 3 of this act
16 to Chapter 70, article 6.
17 Sec. 7. Sections 1, 2, 5, and 9 of this act become operative three
18 calendar months after the adjournment of this legislative session. The
19 other sections of this act become operative on their effective date.
20 Sec. 8. Original section 70-1015, Revised Statutes Cumulative
21 Supplement, 2016, is repealed.
22 Sec. 9. Original sections 37-613 and 57-904, Reissue Revised
23 Statutes of Nebraska, and section 81-15,160, Revised Statutes Cumulative
24 Supplement, 2016, are repealed.
25 Sec. 10. Since an emergency exists, this act takes effect when
26 passed and approved according to law.

The first committee amendment, AM2564, found in this day's Journal, was offered.

Senator Larson offered the following motion:

MO284

Recommit to the Government, Military and Veterans Affairs Committee.

The Chair ruled the Larson motion to recommit to a committee other than the committee of origination is out of order.

Senator Larson raised a point of order on whether his motion, MO284, to recommit to the Government, Military and Veterans Affairs Committee is a priority motion and should be taken up first.

The Chair ruled the Larson motion to recommit to a committee other than the committee of origination is out of order because it is not a priority motion which should be considered prior to the committee amendments.

Senator Larson challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Scheer moved for a call of the house. The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

Senator Larson requested a roll call vote, in reverse order, on the motion to overrule the Chair.

Voting in the affirmative, 2:

Brewer Larson

Voting in the negative, 40:

Albrecht	Clements	Hilkemann	McCollister	Smith
Baker	Ebke	Howard	McDonnell	Stinner
Blood	Erdman	Hughes	Morfeld	Thibodeau
Bolz	Friesen	Kolowski	Pansing Brooks	Vargas
Bostelman	Geist	Kolterman	Quick	Walz
Brasch	Halloran	Krist	Riepe	Watermeier
Briese	Harr	Kuehn	Scheer	Williams
Chambers	Hilgers	Lindstrom	Schumacher	Wishart

Present and not voting, 4:

Crawford Linehan Murante Wayne

Excused and not voting, 3:

Groene Hansen Lowe

The Larson motion to overrule the Chair failed with 2 ayes, 40 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO286

Bracket until April 18, 2018.

Senator Chambers withdrew his motion to bracket.

The first committee amendment, AM2564, found in this day's Journal, was renewed.

SPEAKER SCHEER PRESIDING

Senator Larson raised a point of order that AM2564 could not be considered by the Legislature because it violated Rule 3, Section 1(b) and (c), in that the amendment was not a measure referred to the Natural Resources Committee by the Legislature.

The Chair ruled that AM2564 is properly before the Legislature and complied with the appropriate committee procedures.

Senator Larson challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Hughes moved for a call of the house. The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Senator Hughes requested a roll call vote on the motion to overrule the Chair.

Voting in the affirmative, 2:

Brewer Larson

Voting in the negative, 38:

Albrecht	Clements	Howard	Morfeld	Stinner
Baker	Crawford	Hughes	Murante	Vargas
Blood	Ebke	Kolowski	Pansing Brooks	Walz
Bolz	Friesen	Krist	Quick	Watermeier
Bostelman	Geist	Kuehn	Riepe	Williams
Brasch	Groene	Lindstrom	Scheer	Wishart
Briese	Harr	McCollister	Schumacher	
Chambers	Hilkemann	McDonnell	Smith	

Present and not voting, 5:

Erdman Halloran Hilgers Linehan Wayne

Excused and not voting, 4:

Hansen Kolterman Lowe Thibodeau

The Larson motion to overrule the Chair failed with 2 ayes, 38 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 990A. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 990, One Hundred Fifth Legislature, Second Session, 2018.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 361. Introduced by Pansing Brooks, 28; Watermeier, 1.

PURPOSE: The purpose of this resolution is to examine the extent of the parking shortage in the Capitol environs and provide possible solutions to eliminate such shortage.

The citizens and employees of the State of Nebraska are keenly aware of the shortage of parking available in the area around the Capitol. A parking study was completed in 2009 for the Department of Administrative Services, which identified issues that should be addressed in the determination of possible solutions to the parking problems in the Capitol environs. Further issues and potential solutions were laid out in the Department of Administrative Services' Capital Campus Area 20-Year Master Plan, which was completed in 2017.

Since 2009, the number of state employees working in the Capitol environs has increased and may increase further in the future. The development of office space for additional state employees in the Capitol environs may result in savings for the state. There also exists the possibility for a partnership with the City of Lincoln or private entities to address the shortage of available parking.

The study committee shall examine the extent of the parking shortage, provide possible solutions to eliminate such shortage, discuss a possible partnership with the City of Lincoln to address this issue, and examine the potential for cost savings through deployment of state-owned office space within the Capitol environs.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McDonnell name added to LR353.

Senator Briese name added to LR353.

VISITORS

Visitors to the Chamber were 27 students and teacher from Southwest High School, Bartley; 35 students from Lincoln High School; 12 fourth-grade students from Emmanuel Faith Lutheran School, York; Dr. Michael Dehning and Debra Dehning from Omaha; Jim Spahr from Seward, Doug Kotil from Lincoln, and Rick Endicott from Seward; and 18 fourth-grade students from St. Patrick Catholic School, Lincoln.

RECESS

At 11:48 a.m., on a motion by Senator Kolowski, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Hughes, Larson, Morfeld, Murante, Watermeier, and Wishart who were excused until they arrive.

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB1008:
AM2609

(Amendments to AM2564)

- 1 1. Insert the following new section:
- 2 Section 1. (1) For purposes of this section, wind energy generation
- 3 project means a project for the construction of a facility for the
- 4 generation of electricity using wind that is subject to sections 70-1001
- 5 to 70-1028.
- 6 (2) No wind energy generation project shall be constructed in a
- 7 county after August 1, 2018, until the county has zoning regulations or a
- 8 zoning resolution as described in section 23-114 which addresses:
- 9 (a) Protection of property value for nonparticipating property
- 10 owners adjacent to or impacted by the wind energy generation project;
- 11 (b) Fixed-distance setbacks measured from buildings used for
- 12 residential purposes and setbacks measured from property lines. The
- 13 setbacks shall not be variable distances based on the height of a
- 14 turbine. The determination of setbacks based on surface danger area due
- 15 to issues such as collapse and ice-throw shall ensure that the surface
- 16 danger area does not overlap a nonparticipating property owner's
- 17 property;
- 18 (c) Noise standards restricting the low-level noise generated by the
- 19 operation of a wind turbine so that it does not exceed a specified A-
- 20 weighted, equivalent sound level or specified A-weighted decibels at the
- 21 property line of the wind energy generation project. The measure of noise
- 22 shall meet the following requirements:
- 23 (i) Any instrument used to measure noise shall meet sound level
- 24 meter performance specifications of the American National Standards
- 25 Institute or the International Electrotechnical Commission for wind class
- 26 I:
- 1 (ii) The procedures used to measure noise shall meet the
- 2 requirements of the American National Standards Institute, the
- 3 International Electrotechnical Commission, or the International
- 4 Organization for Standardization for the measurement of sound or its
- 5 characteristics; and
- 6 (iii) The procedures shall not include procedures based on the
- 7 International Electrotechnical Commission Standard IEC 61400-11 (2002)
- 8 regarding noise measurement techniques;
- 9 (d) Evaluation of adverse environmental impacts and mitigation plans
- 10 for the protection of the environment, including domesticated animals,
- 11 wildlife, wildlife habitat, water, vegetation, scenic areas, and historic
- 12 areas. The evaluation shall include consultation with local, state, and
- 13 federal agencies with jurisdiction over affected portions of the
- 14 environment; and
- 15 (e) Decommissioning terms and conditions which must be in place
- 16 before construction begins. The terms and conditions shall include a site
- 17 restoration plan and surety to be held by the county to pay for
- 18 decommissioning, which may include, but not be limited to, a performance

19 bond for each wind turbine.

20 2. On page 9, line 25, strike "3" and insert "4"; and in line 27

21 strike "5, and 9" and insert "3, 6, and 10".

22 3. Renumber the remaining sections accordingly.

MOTION(S) - Print in Journal

Senator Wayne filed the following motion to LB1008:

MO285

Object to the referencing pursuant to Rule 6, Section 2 and to refer the bill back to the referencing committee for rereferencing.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB1008:

AM2557

(Amendments to Standing Committee amendments, AM2292)

1 1. Insert the following new section:

2 Sec. 4. (1) Beginning on the operative date of this section, a

3 public power entity shall not enter into a new contract with the

4 Southwest Power Pool but shall instead enter into any necessary contracts

5 with the Midcontinent Independent System Operator.

6 (2) Any public power entity which has a contract with the Southwest

7 Power Pool in effect prior to the operative date of this section shall

8 (a) as soon as practicable and without impairing any existing contract

9 negotiate and effect transfer of such contract to the Midcontinent

10 Independent System Operator, or (b) upon expiration of the contract term,

11 execute any new contract pursuant to subsection (1) of this section.

12 (3) For purposes of this section, public power entity means any

13 entity that is a part of the public power industry as defined in section

14 70-601.

15 2. On page 9, line 25, strike "section 3" and insert "sections 3 and

16 4".

17 3. Renumber the remaining sections and correct internal references

18 accordingly.

GENERAL FILE

LEGISLATIVE BILL 909. Title read. Considered.

Committee AM2284, found on page 956, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 778. Title read. Considered.

Committee AM2098, found on page 953, was offered.

Senator Pansing Brooks offered the following amendment to the committee amendment:

AM2562

(Amendments to Standing Committee amendments, AM2098)

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 79-1082, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 79-1082 The aggregate school tax for a Class V school district,
6 including the levy for the site and building fund as authorized by
7 section ~~79-10,120~~ ~~79-10,126~~, shall be subject to the limits provided in
8 section 77-3442.

9 Sec. 2. Section 79-1098, Reissue Revised Statutes of Nebraska, is

10 amended to read:

11 79-1098 Except as otherwise provided in sections 10-701 to
12 10-716.01 for the issuance of bonds, whenever the annual levy authorized
13 pursuant to section 79-10,120 ~~Whenever it is deemed insufficient for the~~
14 ~~purposes authorized in such section, necessary (1) to erect a schoolhouse~~
15 ~~or school building or an addition or additions and improvements to any~~
16 ~~existing schoolhouse or (2) to purchase equipment for such schoolhouse or~~
17 ~~school buildings, in any school district in this state except a Class I~~
18 ~~district the school board or board of education of a Class II, III, IV,~~
19 ~~V, or VI school district may and, upon petition of not less than one-~~
20 ~~fourth of the legal voters of the school district, shall submit to the~~
21 ~~people of the school district at the next general election, or at a~~
22 ~~special election held for such purpose, a proposition to vote on a~~
23 ~~special annual tax. Such annual tax, when combined with any annual tax~~
24 ~~imposed pursuant to section 79-10,120, shall for that purpose of not to~~
25 ~~exceed fourteen seventeen and five tenths cents on each one hundred~~
26 ~~dollars of upon the taxable value and shall not exceed of all the taxable~~
1 ~~property in such district for a term of not to exceed ten years. Such~~
2 ~~special tax may be voted at any annual or special meeting of the district~~
3 ~~by fifty five percent of the legal voters attending such meeting.~~

4 Sec. 3. Section 79-10,100, Reissue Revised Statutes of Nebraska, is

5 amended to read:

6 79-10,100 The school board or board of education, upon being
7 satisfied that all the requirements of section sections 79-1098 ~~and~~
8 ~~79-1099~~ have been substantially complied with and that a majority ~~fifty-~~
9 ~~five percent~~ of all votes cast at the election under such section
10 ~~sections~~ are in favor of such tax, shall enter such proposition and all
11 the proceedings had thereon upon the records of the school district and
12 shall certify the special tax levy to the county clerk in the same manner
13 as other tax levies.

14 Sec. 4. Section 79-10,101, Reissue Revised Statutes of Nebraska, is

15 amended to read:

16 79-10,101 The sum levied and collected under section 79-10,100 shall
17 (1) constitute a special fund for the purposes for which it was voted,
18 (2) not be used for any other purpose ~~unless otherwise authorized by a~~
19 ~~fifty five percent majority vote of the legal voters of the school~~

20 ~~district cast at the election under sections 79-1098 and 79-1099, (3) be~~
21 ~~paid over to the county treasurer of the county in which the~~
22 ~~administrative office of such school district is located, (4) except as~~
23 ~~provided in subsection (4) of section 79-10,120, be kept by the county~~
24 ~~treasurer and treasurer of the school district separate and apart from~~
25 ~~other district funds, and (5) be subject to withdrawal as provided in~~
26 ~~section 79-587 or, for Class V school districts, section 79-584. Any~~
27 ~~portion of such sum so levied and collected, the expenditure of which is~~
28 ~~not required to effectuate the purposes for which such sum was voted, may~~
29 ~~be transferred by the school board, at any regular or special meeting by~~
30 ~~the vote of a majority of the members attending, to the general fund of~~
31 ~~the district. All funds received by the district treasurer for such~~
1 purpose shall be immediately invested by such treasurer in United States
2 Government bonds or in such securities in which the state investment
3 officer may invest the permanent school funds during the accumulation of
4 such sinking fund.

5 Sec. 5. Section 79-10,120, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 79-10,120 (1) The school board or board of education of a Class II,
8 III, IV, V, or VI school district may establish a special fund for
9 purposes of acquiring sites for school buildings or teacherages,
10 purchasing existing buildings for use as school buildings or teacherages,
11 including the sites upon which such buildings are located, replacement
12 repairs on existing structures, and the erection, alteration, equipping,
13 and furnishing of school buildings or teacherages and additions to school
14 buildings for elementary and high school grades and for no other purpose.
15 The fund shall be established from the proceeds of an annual tax levy, to
16 be determined by the board, ~~of~~ not to exceed (a) for tax years beginning
17 prior to the effective date of this act, fourteen cents or (b) for tax
18 years beginning on or after the effective date of this act, (i) ten cents
19 or (ii) with a three-fifths majority vote of the board, fourteen cents on
20 each one hundred dollars upon the taxable value of all taxable property
21 in the district which shall be in addition to any other taxes authorized
22 to be levied for school purposes. Such tax shall be levied and collected
23 as are other taxes for school purposes.

24 (2) The school board or board of education of a Class II, III, IV,
25 V, or VI school district may continue an annual tax established pursuant
26 to this section prior to the effective date of this act through school
27 fiscal year 2024-25 for any project commenced prior to the effective date
28 of this act. Any annual tax continued pursuant to this subsection shall
29 not exceed the rate levied for such project for school fiscal year
30 2017-18. The proceeds of any such annual tax shall only be used for the
31 project for which the tax was levied. For purposes of this subsection,
1 commenced means any action taken by the school board on the record which
2 commits the board to expend district funds in planning, constructing, or
3 carrying out the project. Any tax authorized pursuant to this subsection
4 shall not exceed fourteen cents on each one hundred dollars of taxable
5 value when combined with all other taxes imposed pursuant to this
6 section.

7 (3) On or before October 1, 2018, the school board or board of
 8 education of any Class II, III, IV, V, or VI school district that levied
 9 an annual tax pursuant to this section for school fiscal year 2017-18
 10 shall file with the Auditor of Public Accounts a statement describing any
 11 projects for which an annual tax may be continued pursuant to subsection
 12 (2) of this section, the rate levied for school fiscal year 2017-18
 13 attributable to each such project, and the anticipated completion date
 14 for each such project.

15 (4) The proceeds of any annual tax imposed pursuant to this section
 16 shall be kept separate and apart from other school district funds, except
 17 that such proceeds may be combined with amounts levied and collected
 18 under sections 79-1098 to 79-10,101 for the same project.

19 Sec. 6. Section 79-10,126, Revised Statutes Cumulative Supplement,
 20 2016, is amended to read:

21 79-10,126 For school fiscal year 2017-18 and each school fiscal year
 22 thereafter, each Class V school district shall establish (1) for the
 23 general operation of the schools, such fund as will result from an annual
 24 levy of such rate of tax upon the taxable value of all the taxable
 25 property in such school district as the board of education determines to
 26 be necessary for such purpose, (2) ~~funds a fund~~ resulting from ~~an~~ annual
 27 ~~levies amount of tax~~ to be determined by the board of education pursuant
 28 ~~to sections 79-1098 to 79-10,101 and 79-10,120 of not to exceed fourteen~~
 29 ~~cents on each one hundred dollars upon the taxable value of all the~~
 30 ~~taxable property in the district~~ for the purpose of acquiring sites of
 31 school buildings and the erection, alteration, equipping, and furnishing
 1 of school buildings and additions to school buildings, which tax levies
 2 ~~levy~~ shall be used for no other purposes, and (3) a further fund
 3 resulting from an annual amount of tax to be determined by the board of
 4 education to pay interest on and retiring, funding, or servicing of
 5 bonded indebtedness of the district.

6 Sec. 7. Original sections 79-1082, 79-1098, 79-10,100, and
 7 79-10,101, Reissue Revised Statutes of Nebraska, and sections 79-10,120
 8 and 79-10,126, Revised Statutes Cumulative Supplement, 2016, are
 9 repealed.

10 Sec. 8. The following section is outright repealed: Section
 11 79-1099, Reissue Revised Statutes of Nebraska.

SPEAKER SCHEER PRESIDING

Pending.

COMMITTEE REPORT(S) General Affairs

LEGISLATIVE BILL 1120. Placed on General File with amendment.
 AM2545

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

3 Section 1. Section 59-1401, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 59-1401 Sections 59-1401 to 59-1406 and sections 2 and 4 to 8 of
 6 this act shall be known and may be cited as the Music Licensing Agency
 7 Act. As used in sections 59-1401 to 59-1406, person means any individual,
 8 resident or nonresident of this state, and every domestic, foreign, or
 9 alien partnership, limited liability company, society, association, or
 10 corporation and the words performing rights refer to public performance
 11 for profit.

12 Sec. 2. For purposes of the Music Licensing Agency Act:

13 (1) Copyright owner means the owner of a copyright of a nondramatic
 14 musical work recognized and enforceable under the copyright laws of the
 15 United States pursuant to 17 U.S.C. 101 et seq., as such sections existed
 16 on January 1, 2018, and does not include the owner of a copyright in a
 17 motion picture or audiovisual work or in part of a motion picture or
 18 audiovisual work;

19 (2) Music licensing agency means an association or corporation that
 20 licenses the public performance of nondramatic musical works on behalf of
 21 copyright owners;

22 (3) Performing right means the right to perform a copyrighted
 23 nondramatic musical work publicly for profit;

24 (4) Person means any individual, resident or nonresident of this
 25 state, and every domestic, foreign, or alien partnership, limited
 26 liability company, society, association, corporation, or music licensing
 27 agency;

1 (5) Proprietor means the owner of a retail establishment,
 2 restaurant, inn, bar, tavern, sports or entertainment facility, or other
 3 similar place of business or professional office located in this state in
 4 which the public may assemble and in which nondramatic musical works or
 5 similar copyrighted works may be performed, broadcast, or otherwise
 6 transmitted for the enjoyment of members of the public there assembled;
 7 and

8 (6) Royalty means the fees payable to a copyright owner for a
 9 performing right.

10 Sec. 3. Section 59-1403, Reissue Revised Statutes of Nebraska, is
 11 amended to read:

12 59-1403 There From and after August 10, 1945, there is hereby
 13 levied and there shall be collected a tax for the act or privilege of
 14 selling, licensing, or otherwise disposing in this state of performing
 15 rights in any musical composition, which has been copyrighted under the
 16 laws of the United States, in an amount equal to three percent of the
 17 gross receipts of all such sales, licenses, or other dispositions of
 18 performing rights in this state payable to the Department of Revenue
 19 Secretary of State on or before March 15, 1946, with respect to all such
 20 gross receipts for the portion of the calendar year 1945 from August 10,
 21 1945, and annually thereafter, on or before March 15 of each succeeding
 22 year with respect to the gross receipts of the preceding calendar year.
 23 At the time of paying the said tax the Secretary of State shall issue a
 24 receipt therefor in duplicate, one of which shall be given to the
 25 taxpayer and one filed with the State Treasurer at the time the tax

26 ~~collected is paid by the Secretary of State to the state treasury. The~~
27 ~~department Secretary of State shall adopt and promulgate publish rules~~
28 ~~and regulations not in conflict with this section herewith, as well as a~~
29 ~~form of return and any other forms necessary to carry out the provisions~~
30 ~~of this section.~~

31 Sec. 4. (1) Beginning January 1, 2019, a music licensing agency
1 shall not license or attempt to license the use of or collect or attempt
2 to collect any compensation with regard to any sale, license, or other
3 disposition of a performing right unless the music licensing agency
4 registers and files annually, on or before February 15, with the
5 Department of Revenue an electronic copy of each variation of the
6 performing-rights agreement providing for the payment of royalties made
7 available from the music licensing agency to any proprietor within this
8 state. The registration shall be valid for the calendar year. The
9 department shall impose a fine for failure to renew or register in the
10 amount of ten thousand dollars for each forty-five-day period which has
11 passed since February 15 of the registration year if a music licensing
12 agency fails to renew a registration or engages in business without
13 registration.

14 (2) Each registered music licensing agency shall make available
15 electronically to proprietors the most current available list of members
16 and affiliates represented by the music licensing agency and the most
17 current available list of the performed works that the music licensing
18 agency licenses.

19 Sec. 5. (1) Beginning January 1, 2019, no music licensing agency
20 may enter into, or offer to enter into, a contract for the payment of
21 royalties by a proprietor unless at least seventy-two hours prior to the
22 execution of that contract it provides to the proprietor or the
23 proprietor's employees, in writing, the following:

24 (a) A schedule of the rates and terms of royalties under the
25 contract; and

26 (b) Notice that the proprietor is entitled to the information filed
27 with the Department of Revenue pursuant to section 4 of this act.

28 (2) Beginning January 1, 2019, a contract for the payment of
29 royalties executed in this state shall:

30 (a) Be in writing;

31 (b) Be signed by the parties; and

1 (c) Include, at least, the following information:

2 (i) The proprietor's name and business address;

3 (ii) The name and location of each place of business to which the
4 contract applies;

5 (iii) The duration of the contract; and

6 (iv) The schedule of rates and terms of the royalties to be
7 collected under the contract, including any sliding scale or schedule for
8 any increase or decrease of those rates for the duration of the contract.

9 Sec. 6. (1) Beginning January 1, 2019, before seeking payment or a
10 contract for payment of royalties for the use of copyrighted works by
11 that proprietor, a representative or agent for a music licensing agency
12 shall identify himself or herself to the proprietor or the proprietor's

13 employees, disclose that he or she is acting on behalf of a music
 14 licensing agency, and disclose the purpose for being on the premises.
 15 (2) A representative or agent of a music licensing agency shall not:
 16 (a) Use obscene, abusive, or profane language when communicating
 17 with a proprietor or his or her employees;
 18 (b) Communicate by telephone or in person with a proprietor other
 19 than at the proprietor's place of business during the hours when the
 20 proprietor's business is open to the public unless otherwise authorized
 21 by the proprietor or the proprietor's agents, employees, or
 22 representatives;
 23 (c) Engage in any coercive conduct, act, or practice that is
 24 substantially disruptive to a proprietor's business;
 25 (d) Use or attempt to use any unfair or deceptive act or practice in
 26 negotiating with a proprietor; or
 27 (e) Communicate with an unlicensed proprietor about licensing
 28 performances of musical works at the proprietor's establishment after
 29 receiving notification in writing from an attorney representing the
 30 proprietor that all further communications related to the licensing of
 31 the proprietor's establishment by the music licensing agency should be
 1 addressed to the attorney. However, the music licensing agency may resume
 2 communicating directly with the proprietor if the attorney fails to
 3 respond to communications from the music licensing agency within sixty
 4 days or the attorney becomes nonresponsive for a period of sixty days or
 5 more.

6 Sec. 7. The Department of Revenue shall inform proprietors of their
 7 rights and responsibilities regarding the public performance of
 8 copyrighted music as part of the business licensing service.

9 Sec. 8. Nothing in the Music Licensing Agency Act may be construed
 10 to prohibit a music licensing agency from conducting an investigation to
 11 determine the existence of music use by a proprietor's business or
 12 informing a proprietor of the proprietor's obligations under the
 13 copyright laws of the United States pursuant to 17 U.S.C. 101 et seq., as
 14 such sections existed on January 1, 2018.

15 Sec. 9. Section 59-1404, Reissue Revised Statutes of Nebraska, is
 16 amended to read:
 17 59-1404 Upon compliance with the Music Licensing Agency Act,
 18 provisions of sections 59-1401 to 59-1406 the copyright owner, and his or
 19 her proprietors, their assigns and licensees, of a nondramatic musical
 20 work compositions copyrighted under the laws of the United States shall
 21 be entitled to all the benefits thereof.

22 Sec. 10. Section 59-1405, Reissue Revised Statutes of Nebraska, is
 23 amended to read:
 24 59-1405 All music licensing agencies persons who sell, license the
 25 use of, or in any manner whatsoever dispose of, in this state, the
 26 performing rights in or to any copyrighted musical composition shall
 27 refrain from discriminating in price or terms between licensees similarly
 28 situated, except ; Provided, however, that differentials based upon
 29 applicable business factors which justify different prices or terms shall
 30 not be considered discriminations within the meaning of this section.

31 ~~Nothing~~ ; and provided further, that ~~nothing~~ contained in this section
 1 shall prevent price changes from time to time by reason of changing
 2 conditions affecting the market for or marketability of performing
 3 rights.

4 Sec. 11. Section 59-1406, Reissue Revised Statutes of Nebraska, is
 5 amended to read:

6 59-1406 Any person violating the Music Licensing Agency Act sections
 7 ~~59-1401 to 59-1406~~ shall be fined an amount not less than five one
 8 hundred dollars and not more than two one thousand dollars. Multiple
 9 violations on a single day may be considered separate violations.

10 Sec. 12. Original sections 59-1401, 59-1403, 59-1404, 59-1405, and
 11 59-1406, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Tyson Larson, Chairperson

AMENDMENT(S) - Print in Journal

Senator Kuehn filed the following amendment to LB596:
 AM2523

(Amendments to Standing Committee amendments, AM621)

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 38-3301, Reissue Revised Statutes of Nebraska, is
 4 amended to read:

5 38-3301 Sections 38-3301 to 38-3335 and section 3 of this act shall
 6 be known and may be cited as the Veterinary Medicine and Surgery Practice
 7 Act.

8 Sec. 2. Section 38-3302, Reissue Revised Statutes of Nebraska, is
 9 amended to read:

10 38-3302 For purposes of the Veterinary Medicine and Surgery Practice
 11 Act and elsewhere in the Uniform Credentialing Act, unless the context
 12 otherwise requires, the definitions found in sections 38-3303 to 38-3318
 13 and section 3 of this act apply.

14 Sec. 3. Equine massage practice means the application of hands-on
 15 massage techniques for the purpose of increasing circulation, relaxing
 16 muscle spasms, relieving tension, enhancing muscle tone, and increasing
 17 range of motion in equines.

18 Sec. 4. Section 38-3314, Reissue Revised Statutes of Nebraska, is
 19 amended to read:

20 38-3314 Unlicensed assistant means an individual who is not a
 21 licensed veterinarian, a licensed veterinary technician, or a licensed
 22 animal therapist and who is working in veterinary medicine. Unlicensed
 23 assistant does not include a person engaged in equine massage practice.

24 Sec. 5. Section 38-3321, Reissue Revised Statutes of Nebraska, is
 25 amended to read:

26 38-3321 No person may practice veterinary medicine and surgery in
 1 the state who is not a licensed veterinarian, no person may perform
 2 delegated animal health care tasks in the state who is not a licensed
 3 veterinary technician or an unlicensed assistant performing such tasks

4 within the limits established under subdivision (2) of section 38-3326,
5 and no person may perform health care therapy on animals in the state who
6 is not a licensed animal therapist. The Veterinary Medicine and Surgery
7 Practice Act shall not be construed to prohibit:

8 (1) An employee of the federal, state, or local government from
9 performing his or her official duties;

10 (2) A person who is a student in a veterinary school from performing
11 duties or actions assigned by his or her instructors or from working
12 under the direct supervision of a licensed veterinarian;

13 (3) A person who is a student in an approved veterinary technician
14 program from performing duties or actions assigned by his or her
15 instructors or from working under the direct supervision of a licensed
16 veterinarian or a licensed veterinary technician;

17 (4) Any merchant or manufacturer from selling feed or feeds whether
18 medicated or nonmedicated;

19 (5) A veterinarian regularly licensed in another state from
20 consulting with a licensed veterinarian in this state;

21 (6) Any merchant or manufacturer from selling from his or her
22 established place of business medicines, appliances, or other products
23 used in the prevention or treatment of animal diseases or any merchant or
24 manufacturer's representative from conducting educational meetings to
25 explain the use of his or her products or from investigating and advising
26 on problems developing from the use of his or her products;

27 (7) An owner of livestock or a bona fide farm or ranch employee from
28 performing any act of vaccination, surgery, pregnancy testing,
29 retrievable transplantation of embryos on bovine, including recovering,
30 freezing, and transferring embryos on bovine, or the administration of
31 drugs in the treatment of domestic animals under his or her custody or
1 ownership nor the exchange of services between persons or bona fide
2 employees who are principally farm or ranch operators or employees in the
3 performance of these acts;

4 (8) A member of the faculty of a veterinary school or veterinary
5 science department from performing his or her regular functions, or a
6 person lecturing or giving instructions or demonstrations at a veterinary
7 school or veterinary science department or in connection with a
8 continuing competency activity;

9 (9) Any person from selling or applying any pesticide, insecticide,
10 or herbicide;

11 (10) Any person from engaging in bona fide scientific research which
12 reasonably requires experimentation involving animals;

13 (11) Any person from treating or in any manner caring for domestic
14 chickens, turkeys, or waterfowl, which are specifically exempted from the
15 Veterinary Medicine and Surgery Practice Act;

16 (12) Any person from performing dehorning or castrating livestock,
17 not to include equidae.

18 For purposes of the Veterinary Medicine and Surgery Practice Act,
19 castration shall be limited to the removal or destruction of male testes;

20 (13) Any person who holds a valid credential in the State of
21 Nebraska in a health care profession or occupation regulated under the

22 Uniform Credentialing Act from consulting with a licensed veterinarian or
 23 performing collaborative animal health care tasks on an animal under the
 24 care of such veterinarian if all such tasks are performed under the
 25 immediate supervision of such veterinarian; ~~or~~

26 (14) A person from performing a retrievable transplantation of
 27 embryos on bovine, including recovering, freezing, and transferring
 28 embryos on bovine, if the procedure is being performed by a person who
 29 (a) holds a doctorate degree in animal science with an emphasis in
 30 reproductive physiology from an accredited college or university and (b)
 31 has and can show proof of valid professional liability insurance; or -

1 (15) Any person engaging solely in equine massage practice.
 2 Sec. 6. Original sections 38-3301, 38-3302, 38-3314, and 38-3321,
 3 Reissue Revised Statutes of Nebraska, are repealed.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 362. Introduced by Groene, 42.

PURPOSE: The purpose of this resolution is to examine any issues within the jurisdiction of the Education Committee of the Legislature that may arise during the interim.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 363. Introduced by Walz, 15.

WHEREAS, Soil Analytics has been recognized by the Fremont Area Chamber of Commerce as the Ag Innovator of the Year; and

WHEREAS, Soil Analytics has been bringing innovative scientific procedures to the forefront of the agricultural industry; and

WHEREAS, by offering tools and services to improve agronomy, Soil Analytics has enhanced the production of farmers and their stewardship of the environment; and

WHEREAS, the Legislature recognizes businesses that add significant commercial and scientific contributions to the state of Nebraska and its communities.

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

1. That the Legislature congratulates Soil Analytics for their contributions to the Fremont community and for their excellence in agriculture.
2. That a copy of this resolution be sent to Soil Analytics.

Laid over.

LEGISLATIVE RESOLUTION 364. Introduced by Walz, 15.

WHEREAS, Butler Ag Equipment has been recognized by the Fremont Area Chamber of Commerce as the Ag Business of the Year; and

WHEREAS, Butler Ag Equipment has been, and continues to be, heavily involved in the Fremont community and the surrounding agricultural area; and

WHEREAS, Butler Ag Equipment has been a staple in the state's agricultural economy for the past century; and

WHEREAS, the Legislature recognizes businesses that add significant cultural and commercial contributions to the state of Nebraska and its communities.

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

1. That the Legislature congratulates Butler Ag Equipment for their significant contribution to the Fremont community and for their excellence in agriculture.

2. That a copy of this resolution be sent to Butler Ag Equipment.

Laid over.

LEGISLATIVE RESOLUTION 365. Introduced by Walz, 15.

WHEREAS, Scott Wagner and his family have been recognized by the Fremont Area Chamber of Commerce as the Farm Family of the Year; and

WHEREAS, the Wagners have lived in the Fremont area and engaged in agriculture for the past five generations; and

WHEREAS, for the past 146 years, the Wagners have made meaningful educational and commercial contributions to the agriculture community; and

WHEREAS, the Legislature recognizes individuals and families that add significant cultural and commercial contributions to their state and communities.

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

1. That the Legislature congratulates Scott Wagner and his family for their contribution to the community and for their excellence in agriculture.

2. That a copy of this resolution be sent to Scott Wagner.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 778. Senator Baker offered the following motion:

MO287

Bracket until April 18, 2018.

SENATOR WILLIAMS PRESIDING**PRESIDENT FOLEY PRESIDING**

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

Senator Baker moved for a call of the house. The motion prevailed with 14 ayes, 4 nays, and 31 not voting.

Senator Baker requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 30:

Baker	Ebke	Kolowski	Morfeld	Smith
Blood	Hansen	Kolterman	Murante	Stinner
Bolz	Harr	Krist	Pansing Brooks	Walz
Briese	Hilgers	Lindstrom	Quick	Wayne
Chambers	Hilkemann	McCollister	Riepe	Williams
Crawford	Howard	McDonnell	Schumacher	Wishart

Voting in the negative, 10:

Albrecht	Erdman	Kuehn	Linehan	Scheer
Brewer	Halloran	Larson	Lowe	Thibodeau

Present and not voting, 8:

Bostelman	Clements	Geist	Vargas
Brasch	Friesen	Groene	Watermeier

Excused and not voting, 1:

Hughes

The motion to cease debate prevailed with 30 ayes, 10 nays, 8 present and not voting, and 1 excused and not voting.

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

Voting in the affirmative, 17:

Baker	Ebke	Kolowski	Morfeld	Williams
Blood	Hansen	Kolterman	Pansing Brooks	
Chambers	Harr	Krist	Quick	
Crawford	Howard	McCollister	Walz	

Voting in the negative, 19:

Albrecht	Erdman	Hilkemann	Lowe	Scheer
Brasch	Groene	Kuehn	McDonnell	Thibodeau
Brewer	Halloran	Larson	Murante	Watermeier
Briese	Hilgers	Linehan	Riepe	

Present and not voting, 12:

Bolz	Friesen	Schumacher	Vargas
Bostelman	Geist	Smith	Wayne
Clements	Lindstrom	Stinner	Wishart

Excused and not voting, 1:

Hughes

The Baker motion to bracket failed with 17 ayes, 19 nays, 12 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

The Pansing Brooks amendment, AM2562, found in this day's Journal, to the committee amendment, was renewed.

Senator Groene offered the following motion:

MO288

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Groene moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

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

Voting in the affirmative, 18:

Albrecht	Clements	Halloran	Lowe	Thibodeau
Brasch	Erdman	Hilgers	Murante	Watermeier
Brewer	Geist	Larson	Riepe	
Briese	Groene	Linehan	Schumacher	

Voting in the negative, 12:

Baker	Harr	Morfeld	Walz
Blood	Kolowski	Pansing Brooks	Williams
Chambers	Kolterman	Stinner	Wishart

Present and not voting, 18:

Bolz	Friesen	Hughes	McCollister	Vargas
Bostelman	Hansen	Krist	McDonnell	Wayne
Crawford	Hilkemann	Kuehn	Quick	
Ebke	Howard	Lindstrom	Scheer	

Excused and not voting, 1:

Smith

The Groene motion to invoke cloture failed with 18 ayes, 12 nays, 18 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 990. Title read. Considered.

Committee AM2209, found on page 867, was offered.

SPEAKER SCHEER PRESIDING

Senator Krist moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

The committee amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 1107. Placed on General File with amendment. AM2293 is available in the Bill Room.

(Signed) Merv Riepe, Chairperson

GENERAL FILE

LEGISLATIVE BILL 990. Senator Chambers offered the following motion:

MO289

Bracket until April 8, 2018.

SENATOR WILLIAMS PRESIDING

PRESIDENT FOLEY PRESIDING

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

Voting in the affirmative, 0.

Voting in the negative, 17:

Blood	Groene	Linehan	Quick	Williams
Briese	Halloran	Lowe	Scheer	
Crawford	Harr	McCollister	Stinner	
Erdman	Kuehn	McDonnell	Thibodeau	

Present and not voting, 27:

Baker	Clements	Hilkemann	Lindstrom	Watermeier
Bolz	Ebke	Howard	Morfeld	Wayne
Bostelman	Friesen	Hughes	Schumacher	Wishart
Brasch	Geist	Kolowski	Smith	
Brewer	Hansen	Kolterman	Vargas	
Chambers	Hilgers	Krist	Walz	

Excused and not voting, 5:

Albrecht	Larson	Murante	Pansing Brooks Riepe
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The Chambers motion to bracket failed with 0 ayes, 17 nays, 27 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 30 ayes, 1 nay, 13 present and not voting, and 5 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Harr filed the following amendment to LB1015:
AM2590

(Amendments to Standing Committee amendments, AM1927)

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 84-712.01, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 84-712.01 (1) Except when any other statute expressly provides that
- 5 particular information or records shall not be made public, public
- 6 records shall include all records and documents, regardless of physical
- 7 form, of or belonging to this state, any county, city, village, political
- 8 subdivision, or tax-supported district in this state, or any agency,
- 9 branch, department, board, bureau, commission, council, subunit, or
- 10 committee of any of the foregoing. Data which is a public record in its
- 11 original form shall remain a public record when maintained in computer
- 12 files.
- 13 (2) When a custodian of a public record of a county provides to a
- 14 member of the public, upon request, a copy of the public record by

15 transmitting it from a modem to an outside modem, a reasonable fee may be
 16 charged for such specialized service. Such fee may include a reasonable
 17 amount representing a portion of the amortization of the cost of computer
 18 equipment, including software, necessarily added in order to provide such
 19 specialized service. This subsection shall not be construed to require a
 20 governmental entity to acquire computer capability to generate public
 21 records in a new or different form when that new form would require
 22 additional computer equipment or software not already possessed by the
 23 governmental entity.

24 (3) Sections 84-712 to 84-712.03 shall be liberally construed
 25 whenever any state, county, or political subdivision fiscal records,
 26 audit, warrant, voucher, invoice, purchase order, requisition, payroll,
 1 check, receipt, or other record of receipt, cash, or expenditure
 2 involving public funds is involved in order that the citizens of this
 3 state shall have the full right to know of and have full access to
 4 information on the public finances of the government and the public
 5 bodies and entities created to serve them.

6 (4) No public record obtained directly or indirectly from the state
 7 or a political subdivision of the state shall be used for purposes of
 8 advertising or marketing or for any other commercial purpose.

9 2. Renumber the remaining sections and correct the repealer
 10 accordingly.

GENERAL FILE

LEGISLATIVE BILL 1130. Title read. Considered.

Committee AM1844, found on page 752, was offered.

Senator Kuehn offered the following amendment to the committee
 amendment:

AM2371

(Amendments to Standing Committee amendments, AM1844)

1 1. On page 3, after line 11 insert the following new subsection:
 2 "(3) This section does not apply to a tax-exempt organization which
 3 is a postsecondary educational institution with programs approved by the
 4 Coordinating Commission for Postsecondary Education".

Pending.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB990:

FA129

Strike Section 6 on page 3.

Senator Wayne filed the following amendment to LB990:

FA131

Amend AM2209

In Section 3, page 2 line 21 change "twenty-five" to "twenty-five (25)".

Senator Wayne filed the following amendment to LB990:
FA133
Amend AM2209
On page 3, line 18 change "petition" to "petition or petitions".

VISITORS

Visitors to the Chamber were Judy and Doug Lane from Omaha; Lisa Lunz from Wakefield; 50 fourth-grade students from Arlington; 16 members of Leadership Washington County from the Blair Area Chamber of Commerce; 26 members from the Leadership Academy, Young Farmers and Ranchers Committee, and Nebraska Farm Bureau; UNL student, Katie Coil, from Hastings; and Steve Kraft from Omaha.

RECESS

At 6:00 p.m., on a motion by Senator Brewer, the Legislature recessed until 6:30 p.m.

AFTER RECESS

The Legislature reconvened at 6:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Briebe, Crawford, Ebke, Groene, Hansen, Larson, Morfeld, Pansing Brooks, Stinner, Vargas, Walz, Watermeier, Wayne, and Wishart who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1130. The Kuehn amendment, AM2371, found in this day's Journal, to the committee amendment, was renewed.

The Kuehn amendment lost with 17 ayes, 5 nays, 15 present and not voting, and 12 excused and not voting.

Senator Chambers offered the following motion:
MO290
Bracket until April 18, 2018.

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

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

Voting in the affirmative, 4:

Harr Krist Lowe Wayne

Voting in the negative, 21:

Albrecht	Clements	Hilgers	Linehan	Watermeier
Bostelman	Erdman	Hughes	Murante	
Brasch	Friesen	Kuehn	Riepe	
Brewer	Geist	Larson	Scheer	
Briese	Halloran	Lindstrom	Thibodeau	

Present and not voting, 16:

Baker	Groene	Kolterman	Schumacher
Blood	Hilkemann	McCollister	Smith
Bolz	Howard	McDonnell	Walz
Chambers	Kolowski	Quick	Williams

Absent and not voting, 1:

Crawford

Excused and not voting, 7:

Ebke	Morfeld	Stinner	Wishart
Hansen	Pansing Brooks	Vargas	

The Chambers motion to bracket failed with 4 ayes, 21 nays, 16 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO292

Reconsider the vote taken to bracket.

Senator Chambers asked unanimous consent to withdraw his motion, MO292, to reconsider. No objections. So ordered.

Pending.

LEGISLATIVE BILL 295. Senator Harr offered the following motion:

MO291

Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

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

Senator Hilgers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 7 nays, 11 present and not voting, and 6 excused and not voting.

The Harr motion to indefinitely postpone failed with 10 ayes, 23 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Crawford has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 994A. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 994, One Hundred Fifth Legislature, Second Session, 2018.

GENERAL FILE

LEGISLATIVE BILL 295. Senator Harr offered the following motion:

MO294

Reconsider the vote taken to indefinitely postpone.

Pending.

MOTION(S) - Print in Journal

Senator Chambers filed the following motion to LB295:

MO293

Bracket until April 18, 2018.

VISITORS

The Doctor of the Day was Dr. Doug Bauer from Gretna.

ADJOURNMENT

At 9:52 p.m., on a motion by Senator Krist, the Legislature adjourned until 9:00 a.m., Friday, March 23, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-EIGHTH DAY - MARCH 23, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, March 23, 2018

PRAYER

The prayer was offered by Pastor Gregg Gahan, Craig-Alder Grove Parish, Craig.

ROLL CALL

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

The roll was called and all members were present except Senators Linehan, McCollister, Murante, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1132. Placed on Select File with amendment.
ER139

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 28-902, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 28-902 (1) Except as provided in subsection (2) of this section,
6 every health care provider ~~Every person engaged in the practice of~~
7 ~~medicine and surgery, or who is in charge of any emergency room or first-~~
8 ~~aid station in this state,~~ shall immediately report to law enforcement
9 every case; in which the health care provider ~~he~~ is consulted for medical
10 care for physical treatment or treats a wound or injury of violence which
11 appears to have been received in connection with, or as a result of, the
12 commission of a criminal offense, ~~immediately to the chief of police of~~
13 ~~the municipality or to the sheriff of the county wherein the consultation~~
14 ~~or treatment occurs.~~ Such report shall include the name of the victim
15 ~~such person, the residence, if ascertainable, and a brief description of~~

16 the victim's physical injury, and, if ascertainable, the victim's
17 residential address and the location of the offense injury. Any other
18 provision of law or rule of evidence relative to confidential
19 communications is suspended insofar as compliance with the provisions of
20 this section is are concerned.

21 (2) When a health care provider is consulted for medical care for
22 physical injury which reasonably appears to have been received in
23 connection with, or as a result of, the commission of an actual or
24 attempted sexual assault and the victim was eighteen years of age or
25 older at the time of such actual or attempted sexual assault, the health
26 care provider shall:

27 (a) Provide the victim with information detailing the reporting
1 options available under subdivision (2)(b) of this section;

2 (b) Ask the victim either:

3 (i) To provide written consent to report such actual or attempted
4 sexual assault as provided in subsection (1) of this section. If the
5 victim provides such written consent, the health care provider shall make
6 the report required by subsection (1) of this section and submit to law
7 enforcement a sexual assault evidence collection kit if one has been
8 obtained; or

9 (ii) To sign a written acknowledgment that such actual or attempted
10 sexual assault will not be reported except as provided in subdivision (2)
11 (c) or subsection (3) of this section, but that the health care provider
12 will submit to law enforcement a sexual assault evidence collection kit,
13 if one has been obtained, using an anonymous reporting protocol. A health
14 care provider may use the anonymous reporting protocol developed by the
15 Attorney General under section 4 of this act or may use a different
16 anonymous reporting protocol;

17 (c) Regardless of the victim's decision under subdivision (2)(b) of
18 this section, if the victim is suffering from a serious bodily injury, or
19 any bodily injury where a deadly weapon was used to inflict such injury,
20 which appears to have been received in connection with, or as a result
21 of, the commission of an actual or attempted sexual assault, the health
22 care provider shall report such injury to law enforcement as provided in
23 subsection (1) of this section; and

24 (d) Unless declined by the victim, refer him or her to an advocate.

25 (3) When a health care provider is consulted for medical care for
26 physical injury which reasonably appears to have been received in
27 connection with, or as a result of, the commission of an actual or
28 attempted sexual assault, the health care provider shall, regardless of
29 the victim's age or the victim's decision under subdivision (2)(b) of
30 this section, provide law enforcement with a sexual assault evidence
31 collection kit if one has been obtained.

1 (4) A law enforcement agency receiving a sexual assault evidence
2 collection kit under this section shall preserve such kit for twenty
3 years after the date of receipt or as otherwise ordered by a court.

4 (5) Any health care provider who knowingly fails to make any report
5 required by subsection (1) of this section is guilty of a Class III
6 misdemeanor. If multiple health care providers are involved in the

7 consultation of a person in a given occurrence, this section does not
8 require each health care provider to make a separate report, so long as
9 one of such health care providers makes the report required by this
10 section.

11 (6) For purposes of this section:

12 (a) Advocate has the same meaning as in section 29-4302;

13 (b) Anonymous reporting protocol means a reporting protocol that
14 allows the identity of the victim, his or her personal or identifying
15 information, and the details of the sexual assault or attempted sexual
16 assault to remain confidential and undisclosed by the health care
17 provider, other than submission to law enforcement of any sexual assault
18 evidence collection kit, unless and until the victim consents to the
19 release of such information;

20 (c) Health care provider means any of the following individuals who
21 are licensed, certified, or registered to perform specified health
22 services consistent with state law: A physician, physician assistant,
23 nurse, or advanced practice registered nurse;

24 (d) Law enforcement means a law enforcement agency in the county in
25 which the consultation occurred; and

26 (e) Victim means the person seeking medical care.

27 ~~(2) Any person who fails to make the report required by subsection~~
28 ~~(1) of this section commits a Class III misdemeanor.~~

29 Sec. 2. (1) For purposes of this section:

30 (a) Prostitution-related offense includes:

31 (i) Prostitution under section 28-801, solicitation of prostitution
1 under section 28-801.01, keeping a place of prostitution under section
2 28-804, public indecency under section 28-806, or loitering for the
3 purpose of engaging in prostitution or related or similar offenses under
4 local ordinances; and

5 (ii) Attempt, conspiracy, solicitation, being an accessory to,
6 aiding and abetting, aiding the consummation of, or compounding a felony
7 with any of the offenses in subdivision (1)(a) of this section as the
8 underlying offense;

9 (b) Trafficker means a person who engages in sex trafficking or sex
10 trafficking of a minor as defined in section 28-830; and

11 (c) Victim of sex trafficking means a person subjected to sex
12 trafficking or sex trafficking of a minor, as those terms are defined in
13 section 28-830.

14 (2) At any time following the date of the conviction or
15 adjudication, a victim of sex trafficking convicted in county or district
16 court of, or adjudicated in a juvenile court for (a) a prostitution-
17 related offense or (b) any other offense committed as a direct result of,
18 or incident to, being a victim of sex trafficking may file a petition to
19 set aside such conviction or adjudication. The petition shall be filed in
20 the county or district court of the county in which charges were filed or
21 the petitioner was convicted or adjudicated. The prosecuting attorney
22 shall be named as respondent and shall be served with a copy of the
23 petition.

24 (3)(a) The court shall grant a petition to set aside a conviction or

25 adjudication for a prostitution-related offense if the court finds that
26 the petitioner was a victim of sex trafficking at the time of the offense
27 or if the court finds that the petitioner's participation in the offense
28 was otherwise incidental to being a victim of sex trafficking.
29 (b) The court shall grant a petition to set aside a conviction or
30 adjudication for an offense other than a prostitution-related offense if
31 the court finds that the petitioner's participation in the offense was a
1 direct result of or incidental to being a victim of sex trafficking.
2 (4) The court shall find that the petitioner is a victim of sex
3 trafficking if the petitioner submits to the court:
4 (a) A copy of an official record, certification, or eligibility
5 letter from a federal, state, tribal, or local proceeding, including an
6 approval notice or an enforcement certification generated from a federal
7 immigration proceeding, that shows that the petitioner is a victim of sex
8 trafficking; or
9 (b) An affidavit or sworn testimony from an attorney, a member of
10 the clergy, a medical professional, a trained professional staff member
11 of a victim services organization, or other professional from whom the
12 petitioner has sought legal counsel or other assistance in addressing the
13 trauma associated with being a victim of sex trafficking.
14 (5) In considering whether the petitioner is a victim of sex
15 trafficking, the court may consider any other evidence the court
16 determines is of sufficient credibility and probative value, including an
17 affidavit or sworn testimony. Examples of such evidence include, but are
18 not limited to:
19 (a) Branding or other tattoos on the petitioner that identified him
20 or her as having a trafficker;
21 (b) Testimony or affidavits from those with firsthand knowledge of
22 the petitioner's involvement in the commercial sex trade such as
23 solicitors of commercial sex, family members, hotel workers, and other
24 individuals trafficked by the same individual or group of individuals who
25 trafficked the petitioner;
26 (c) Financial records showing profits from the commercial sex trade,
27 such as records of hotel stays, employment at indoor venues such as
28 massage parlors or strip clubs, or employment at an escort service;
29 (d) Internet listings, print advertisements, or business cards used
30 to promote the petitioner for commercial sex; or
31 (e) Email, text, or voicemail records between the petitioner, the
1 trafficker, or solicitors of sex that reveal aspects of the sex trade
2 such as behavior patterns, meeting times, or payments or examples of the
3 trafficker exerting force, fraud, or coercion over the petitioner.
4 (6) Upon request of a petitioner, any hearing relating to the
5 petition shall be conducted in camera. The rules of evidence shall not
6 apply at any hearing relating to the petition.
7 (7) An order setting aside a conviction or adjudication under this
8 section shall:
9 (a) Nullify the conviction or adjudication; and
10 (b) Remove all civil disabilities and disqualifications imposed as a
11 result of the conviction or adjudication.

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

30 record after two years from the date of arrest, citation in lieu of
31 arrest, or referral for prosecution without citation; and
1 (c) When charges are filed, but the case is dismissed by the court
2 (i) on motion of the prosecuting attorney, (ii) as a result of a hearing
3 not the subject of a pending appeal, (iii) after acquittal, or (iv) after
4 completion of a program prescribed by a drug court or any other problem
5 solving court approved by the Supreme Court, the criminal history record
6 information shall not be part of the public record immediately upon
7 notification of a criminal justice agency after acquittal pursuant to
8 subdivision (3)(c)(iii) of this section or after the entry of an order
9 dismissing the case.

10 (4) Upon the granting of a petition to set aside a conviction or
11 adjudication pursuant to section 2 of this act, a person who is a victim
12 of sex trafficking, as defined in section 2 of this act, may file a
13 motion with the sentencing court for an order to seal the criminal
14 history record information related to such conviction or adjudication.
15 Upon a finding that a court issued an order setting aside such conviction
16 or adjudication pursuant to section 2 of this act, the sentencing court
17 shall grant the motion and issue an order as provided in subsection (7)
18 of this section.

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

24 (6) Any person who is subject to a record which resulted in a case
25 being dismissed prior to January 1, 2017, as described in subdivision (3)
26 (c) of this section, may file a motion with the court to enter an order
27 pursuant to subsection (7) of this section. Upon a finding that the case
28 was dismissed for any reason described in subdivision (3)(c) of this
29 section, the court shall grant the motion and enter an order as provided
30 in subsection (7) of this section.

31 (7) ~~(4)~~ Upon acquittal, or entry of an order dismissing a case
1 described in subdivision (3)(c) of this section, or after granting a
2 motion under subsection (4), (5), or (6) of this section, the court
3 shall:

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

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

15 (c) Order all parties notified under subdivision (7)(b) ~~(4)(b)~~ of
16 this section to seal all records pertaining to the case; and

17 (d) If the case was transferred from one court to another, send
18 notice of the order to seal the record to the transferring court.
19 ~~(8) (5)~~ In any application for employment, bonding, license,
20 education, or other right or privilege, any appearance as a witness, or
21 any other public inquiry, a person cannot be questioned with respect to
22 any offense for which the record is sealed. If an inquiry is made in
23 violation of this subsection, the person may respond as if the offense
24 never occurred.
25 ~~(9) (6)~~ Any person arrested due to the error of a law enforcement
26 agency may file a petition with the district court for an order to
27 expunge the criminal history record information related to such error.
28 The petition shall be filed in the district court of the county in which
29 the petitioner was arrested. The county attorney shall be named as the
30 respondent and shall be served with a copy of the petition. The court may
31 grant the petition and issue an order to expunge such information if the
1 petitioner shows by clear and convincing evidence that the arrest was due
2 to error by the arresting law enforcement agency.
3 (10) The relief set forth in this section shall apply to all persons
4 otherwise eligible in accordance with the provisions of this section,
5 whether arrested, cited in lieu of arrest, referred for prosecution
6 without citation, charged, convicted, or adjudicated prior to, on or
7 subsequent to the effective date of this act.
8 Sec. 4. On or before July 1, 2019, the Attorney General shall
9 develop and distribute a statewide model anonymous reporting protocol for
10 use by health care providers as provided in section 28-902. Once
11 developed, the statewide model anonymous reporting protocol shall be
12 maintained by the Nebraska Commission on Law Enforcement and Criminal
13 Justice.
14 Sec. 5. Original sections 28-902 and 29-3523, Reissue Revised
15 Statutes of Nebraska, are repealed.
16 2. On page 1, strike beginning with "crimes" in line 1 through line
17 5 and insert "crime victims; to amend sections 28-902 and 29-3523,
18 Reissue Revised Statutes of Nebraska; to require reporting by a health
19 care provider of injury from actual or attempted sexual assault as
20 prescribed; to provide duties for health care providers and law
21 enforcement as prescribed; to define terms; to provide a procedure to set
22 aside convictions for victims of sex trafficking; to provide for
23 expungement of criminal history record information of such victims; to
24 provide for development and distribution by the Attorney General of a
25 statewide model anonymous reporting protocol; to provide a duty for the
26 Nebraska Commission on Law Enforcement and Criminal Justice; to harmonize
27 provisions; and to repeal the original sections."

LEGISLATIVE BILL 1009. Placed on Select File with amendment.

ER138

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 39-2103, Revised Statutes Supplement, 2017, is
4 amended to read:

5 39-2103 Rural highways are hereby divided into nine functional
6 classifications as follows:

- 7 (1) Interstate, which shall consist of the federally designated
8 National System of Interstate and Defense Highways;
- 9 (2) Expressway, which shall consist of a group of highways following
10 major traffic desires in Nebraska which rank next in importance to the
11 National System of Interstate and Defense Highways. The expressway system
12 is one which ultimately should be developed to multilane divided highway
13 standards;
- 14 (3) Major arterial, which shall consist of the balance of routes
15 which serve major statewide interests for highway transportation. This
16 includes super-two, which shall consist of two-lane highways designed
17 primarily for through traffic with passing lanes spaced intermittently
18 and on alternating sides of the highway to provide predictable
19 opportunities to pass slower moving vehicles. This system is
20 characterized by high-speed, relatively long-distance travel patterns;
- 21 (4) Scenic-recreation, which shall consist of highways or roads
22 located within or which provide access to or through state parks,
23 recreation or wilderness areas, other areas of geographical, historical,
24 geological, recreational, biological, or archaeological significance, or
25 areas of scenic beauty;
- 26 (5) Other arterial, which shall consist of a group of highways of
27 less importance as through-travel routes which would serve places of
1 smaller population and smaller recreation areas not served by the higher
2 systems;
- 3 (6) Collector, which shall consist of a group of highways which pick
4 up traffic from many local or land-service roads and carry it to
5 community centers or to the arterial systems. They are the main school
6 bus routes, mail routes, and farm-to-market routes;
- 7 (7) Local, which shall consist of all remaining rural roads, except
8 minimum maintenance roads and remote residential roads;
- 9 (8) Minimum maintenance, which shall consist of (a) roads used
10 occasionally by a limited number of people as alternative access roads
11 for areas served primarily by local, collector, or arterial roads or (b)
12 roads which are the principal access roads to agricultural lands for farm
13 machinery and which are not primarily used by passenger or commercial
14 vehicles; and
- 15 (9) Remote residential, which shall consist of roads or segments of
16 roads in remote areas of counties with (a) a population density of no
17 more than five people per square mile or (b) an area of at least one
18 thousand square miles, and which roads or segments of roads serve as
19 primary access to no more than seven residences. For purposes of this
20 subdivision, residence means a structure which serves as a primary
21 residence for more than six months of a calendar year. Population shall
22 be determined using data from the most recent federal decennial census.
23 The rural highways classified under subdivisions (1) through (3) of
24 this section should, combined, serve every incorporated municipality
25 having a minimum population of one hundred inhabitants as determined by
26 the most recent federal decennial census or the most recent revised

27 certified count by the United States Bureau of the Census or sufficient
28 commerce, a part of which will be served by stubs or spurs, and along
29 with rural highways classified under subdivision (4) of this section,
30 should serve the major recreational areas of the state.

31 For purposes of this section, sufficient commerce means a minimum of
1 two hundred thousand dollars of gross receipts under the Nebraska Revenue
2 Act of 1967.

3 Sec. 2. Section 60-4,182, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 60-4,182 In order to prevent and eliminate successive traffic
6 violations, there is hereby provided a point system dealing with traffic
7 violations as disclosed by the files of the director. The following point
8 system shall be adopted:

9 (1) Conviction of motor vehicle homicide - 12 points;
10 (2) Third offense drunken driving in violation of any city or
11 village ordinance or of section 60-6,196, as disclosed by the records of
12 the director, regardless of whether the trial court found the same to be
13 a third offense - 12 points;

14 (3) Failure to stop and render aid as required under section 60-697
15 in the event of involvement in a motor vehicle accident resulting in the
16 death or personal injury of another - 6 points;

17 (4) Failure to stop and report as required under section 60-696 or
18 any city or village ordinance in the event of a motor vehicle accident
19 resulting in property damage - 6 points;

20 (5) Driving a motor vehicle while under the influence of alcoholic
21 liquor or any drug or when such person has a concentration of eight-
22 hundredths of one gram or more by weight of alcohol per one hundred
23 milliliters of his or her blood or per two hundred ten liters of his or
24 her breath in violation of any city or village ordinance or of section
25 60-6,196 - 6 points;

26 (6) Willful reckless driving in violation of any city or village
27 ordinance or of section 60-6,214 or 60-6,217 - 6 points;

28 (7) Careless driving in violation of any city or village ordinance
29 or of section 60-6,212 - 4 points;

30 (8) Negligent driving in violation of any city or village ordinance
31 - 3 points;

1 (9) Reckless driving in violation of any city or village ordinance
2 or of section 60-6,213 - 5 points;

3 (10) Speeding in violation of any city or village ordinance or any
4 of sections 60-6,185 to 60-6,190 and 60-6,313:

5 (a) Not more than five miles per hour over the speed limit - 1
6 point;

7 (b) More than five miles per hour but not more than ten miles per
8 hour over the speed limit - 2 points;

9 (c) More than ten miles per hour but not more than thirty-five miles
10 per hour over the speed limit - 3 points, except that one point shall be
11 assessed upon conviction of exceeding by not more than ten miles per
12 hour, two points shall be assessed upon conviction of exceeding by more
13 than ten miles per hour but not more than fifteen miles per hour, and

14 three points shall be assessed upon conviction of exceeding by more than
15 fifteen miles per hour but not more than thirty-five miles per hour the
16 speed limits provided for in subdivision ~~(1)(f)~~ ~~(1)(e)~~, ~~(g)~~ ~~(f)~~, ~~(h)~~ ~~(g)~~,
17 or ~~(i)~~ ~~(h)~~ of section 60-6,186; and
18 (d) More than thirty-five miles per hour over the speed limit - 4
19 points;
20 (11) Failure to yield to a pedestrian not resulting in bodily injury
21 to a pedestrian - 2 points;
22 (12) Failure to yield to a pedestrian resulting in bodily injury to
23 a pedestrian - 4 points;
24 (13) Using a handheld wireless communication device in violation of
25 section 60-6,179.01 or texting while driving in violation of subsection
26 (1) or (3) of section 60-6,179.02 - 3 points;
27 (14) Using a handheld mobile telephone in violation of subsection
28 (2) or (4) of section 60-6,179.02 - 3 points;
29 (15) Unlawful obstruction or interference of the view of an operator
30 in violation of section 60-6,256 - 1 point;
31 (16) A violation of subsection (1) of section 60-6,175 - 3 points;
1 and
2 (17) All other traffic violations involving the operation of motor
3 vehicles by the operator for which reports to the Department of Motor
4 Vehicles are required under sections 60-497.01 and 60-497.02 - 1 point.
5 Subdivision (17) of this section does not include violations
6 involving an occupant protection system or a three-point safety belt
7 system pursuant to section 60-6,270, parking violations, violations for
8 operating a motor vehicle without a valid operator's license in the
9 operator's possession, muffler violations, overwidth, overheight, or
10 overlength violations, motorcycle or moped protective helmet violations,
11 or overloading of trucks.
12 All such points shall be assessed against the driving record of the
13 operator as of the date of the violation for which conviction was had.
14 Points may be reduced by the department under section 60-4,188.
15 In all cases, the forfeiture of bail not vacated shall be regarded
16 as equivalent to the conviction of the offense with which the operator
17 was charged.
18 The point system shall not apply to persons convicted of traffic
19 violations committed while operating a bicycle as defined in section
20 60-611 or an electric personal assistive mobility device as defined in
21 section 60-618.02.
22 Sec. 3. Section 60-601, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:
24 60-601 Sections 60-601 to 60-6,383 and section 5 of this act shall
25 be known and may be cited as the Nebraska Rules of the Road.
26 Sec. 4. Section 60-605, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:
28 60-605 For purposes of the Nebraska Rules of the Road, the
29 definitions found in sections 60-606 to 60-676 and section 5 of this act
30 shall be used.
31 Sec. 5. Super-two highway means a two-lane highway designed

1 primarily for through traffic with passing lanes spaced intermittently
2 and on alternating sides of the highway to provide predictable
3 opportunities to pass slower moving vehicles.

4 Sec. 6. Section 60-6,186, Revised Statutes Supplement, 2017, is
5 amended to read:

6 60-6,186 (1) Except when a special hazard exists that requires lower
7 speed for compliance with section 60-6,185, the limits set forth in this
8 section and sections 60-6,187, 60-6,188, 60-6,305, and 60-6,313 shall be
9 the maximum lawful speeds unless reduced pursuant to subsection (2) of
10 this section, and no person shall drive a vehicle on a highway at a speed
11 in excess of such maximum limits:

12 (a) Twenty-five miles per hour in any residential district;

13 (b) Twenty miles per hour in any business district;

14 (c) Fifty miles per hour upon any highway that is gravel or not
15 dustless surfaced and not part of the state highway system;

16 (d) Fifty-five miles per hour upon any dustless-surfaced highway not
17 a part of the state highway system;

18 (e) Sixty-five miles per hour upon any four-lane divided highway not
19 a part of the state highway system;

20 (f) Sixty-five (e) Sixty miles per hour upon any part of the state
21 highway system other than an expressway, a super-two highway, or a
22 freeway, except that the Department of Transportation may, where existing
23 design and traffic conditions allow, according to an engineering study,
24 authorize a speed limit five miles per hour greater;

25 (g) Seventy (f) Sixty-five miles per hour upon an expressway or a
26 super-two highway that is part of the state highway system;

27 (h) Seventy (g) Sixty-five miles per hour upon a freeway that is
28 part of the state highway system but not part of the National System of
29 Interstate and Defense Highways; and

30 (i) (h) Seventy-five miles per hour upon the National System of
31 Interstate and Defense Highways, except that the maximum speed limit
1 shall be sixty-five sixty miles per hour for:

2 (i) Any portion of the National System of Interstate and Defense
3 Highways located in Douglas County; and

4 (ii) That portion of the National System of Interstate and Defense
5 Highways designated as Interstate 180 in Lancaster County and Interstate
6 129 in Dakota County.

7 (2) The maximum speed limits established in subsection (1) of this
8 section may be reduced by the Department of Transportation or by local
9 authorities pursuant to section 60-6,188 or 60-6,190.

10 (3) The Department of Transportation and local authorities may erect
11 and maintain suitable signs along highways under their respective
12 jurisdictions in such number and at such locations as they deem necessary
13 to give adequate notice of the speed limits established pursuant to
14 subsection (1) or (2) of this section upon such highways.

15 Sec. 7. Original sections 60-4,182, 60-601, and 60-605, Revised
16 Statutes Cumulative Supplement, 2016, and sections 39-2103 and 60-6,186,
17 Revised Statutes Supplement, 2017, are repealed.

18 2. On page 1, strike beginning with "section" in line 1 through

19 "classification" in line 5 and insert "sections 60-4,182, 60-601, and
20 60-605, Revised Statutes Cumulative Supplement, 2016, and sections
21 39-2103 and 60-6,186, Revised Statutes Supplement, 2017; to change the
22 rural highway classification of major arterial to include super-two
23 highways".

LEGISLATIVE BILL 1091. Placed on Select File.

LEGISLATIVE BILL 865. Placed on Select File with amendment.
ER140

1 1. On page 1, line 5, after the semicolon insert "to prohibit
2 suspension of a reading requirement for certain ordinances as
3 prescribed;"

LEGISLATIVE BILL 827. Placed on Select File.

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Harr filed the following amendment to LB947:
AM2617

(Amendments to Standing Committee amendments, AM2542)

1 1. On page 1, line 15; and page 3, line 10, strike "refundable" and
2 insert "nonrefundable".

Senator Harr filed the following amendment to LB947:
AM2615

(Amendments to Standing Committee amendments, AM2542)

1 1. On page 1, strike beginning with the comma in line 18 through
2 "section" in line 19.
3 2. On page 2, strike lines 9 through 24; and in line 25 strike "(4)"
4 and insert "(3)".
5 3. On page 3, line 4, strike "(5)" and insert "(4)".

Senator Harr filed the following amendment to LB947:
AM2616

(Amendments to Standing Committee amendments, AM2542)

1 1. On page 3, strike beginning with "The" in line 1 through line 3.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 22, 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

Archer, Erin
Association for Accessible Medicines
Potter, Tim
AARP Nebraska

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>

ANNOUNCEMENT

The Chair announced the birthday of Senator Lindstrom.

SELECT FILE

LEGISLATIVE BILL 944. Senator Wishart withdrew her amendment, AM2514, found on page 1034 and considered on pages 1068 and 1070.

Senator Pansing Brooks offered her amendment, AM2346, found on page 961.

SPEAKER SCHEER PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 940. Placed on Select File with amendment.

ER142

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 13-2703, Revised Statutes Cumulative Supplement,
- 4 2016, is amended to read:
- 5 13-2703 For purposes of the Civic and Community Center Financing
- 6 Act:
- 7 (1) Civic center means a facility that is primarily used to host
- 8 conventions, meetings, and cultural events and a library;
- 9 (2) Community center means property that is owned by a municipality
- 10 and located within the traditional center of a community, typically
- 11 comprised of a cohesive core of residential, civic, religious, and
- 12 commercial buildings, arranged around a main street and intersecting
- 13 streets;
- 14 (3) Department means the Department of Economic Development;
- 15 (4) Fund means the Civic and Community Center Financing Fund;

16 (5) Historic building or district means a building or district
17 eligible for listing on or currently listed on the National Register of
18 Historic Places; and

19 (6) Recreation center means a facility or park used for athletics,
20 fitness, sport activities, or recreation that is owned by a municipality
21 and is available for use by the general public with or without charge.
22 Recreation center does not include any facility that requires a person to
23 purchase a membership to utilize such facility.

24 Sec. 2. Section 13-2704.01, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 13-2704.01 (1) The department shall use the fund to provide grants
27 of assistance for the following purposes:

1 (a) To assist in the construction of new civic centers and
2 recreation centers or the renovation or expansion of existing civic
3 centers and recreation centers;

4 (b) To assist in the conversion, rehabilitation, or reuse of
5 historic buildings or districts; or

6 (c) To upgrade community centers, including the demolition of
7 substandard and abandoned buildings.

8 (2) Applications for grants of assistance pursuant to this section
9 shall be evaluated by the department pursuant to section 13-2707.

10 Sec. 3. Section 13-2705, Revised Statutes Supplement, 2017, is
11 amended to read:

12 13-2705 The department may conditionally approve grants of
13 assistance from the fund to eligible and competitive applicants within
14 the following limits:

15 (1) Except as provided in subdivision (2) of this section, a grant
16 request shall be in an amount meeting the following requirements:

17 (a) For a grant of assistance under section 13-2704.01, at least
18 ~~fifteen~~ ~~ten~~ thousand dollars but no more than:

19 (i) For a city of the primary class, ~~two one~~ million ~~two five~~
20 hundred ~~fifty~~ thousand dollars;

21 (ii) For a city with a population of more than forty thousand but
22 less than one hundred thousand inhabitants as determined by the most
23 recent federal decennial census or the most recent revised certified
24 count by the United States Bureau of the Census, ~~one million one hundred~~
25 ~~twenty-five~~ ~~seven hundred fifty~~ thousand dollars;

26 (iii) For a city with a population of more than twenty thousand but
27 less than forty thousand inhabitants as determined by the most recent
28 federal decennial census or the most recent revised certified count by
29 the United States Bureau of the Census, ~~seven hundred fifty five hundred~~
30 thousand dollars;

31 (iv) For a city with a population of more than ten thousand but less
1 than twenty thousand inhabitants as determined by the most recent federal
2 decennial census or the most recent revised certified count by the United
3 States Bureau of the Census, ~~six four~~ hundred thousand dollars; and

4 (v) For a municipality with a population of less than ten thousand
5 inhabitants as determined by the most recent federal decennial census or
6 the most recent revised certified count by the United States Bureau of

7 the Census, ~~three two~~ hundred ~~seventy-five~~ ~~fifty~~ thousand dollars; and
8 (b) For a grant of assistance under section 13-2704.02, at least
9 ~~three two~~ thousand dollars but no more than ~~fifteen ten~~ thousand dollars;
10 (2) Upon the balance of the fund reaching ~~three two~~ million ~~seven~~
11 ~~five~~ hundred ~~fifty~~ thousand dollars, and until the balance of the fund
12 falls below one million ~~five hundred thousand~~ dollars, a grant request
13 shall be in an amount meeting the following requirements:
14 (a) For a grant of assistance under section 13-2704.01, at least
15 ~~fifteen ten~~ thousand dollars but no more than:
16 (i) For a city of the primary class, ~~three two~~ million ~~three two~~
17 hundred ~~seventy-five~~ ~~fifty~~ thousand dollars;
18 (ii) For a city with a population of more than forty thousand but
19 less than one hundred thousand inhabitants as determined by the most
20 recent federal decennial census or the most recent revised certified
21 count by the United States Bureau of the Census, one million ~~six one~~
22 hundred ~~eighty-seven~~ ~~twenty-five~~ thousand dollars;
23 (iii) For a city with a population of more than twenty thousand but
24 less than forty thousand inhabitants as determined by the most recent
25 federal decennial census or the most recent revised certified count by
26 the United States Bureau of the Census, ~~one million one seven~~ hundred
27 ~~twenty-five~~ ~~fifty~~ thousand dollars;
28 (iv) For a city with a population of more than ten thousand but less
29 than twenty thousand inhabitants as determined by the most recent federal
30 decennial census or the most recent revised certified count by the United
31 States Bureau of the Census, ~~nine six~~ hundred thousand dollars; and
1 (v) For a municipality with a population of less than ten thousand
2 inhabitants as determined by the most recent federal decennial census or
3 the most recent revised certified count by the United States Bureau of
4 the Census, ~~five three~~ hundred ~~sixty-two~~ ~~seventy-five~~ thousand dollars;
5 and
6 (b) For a grant of assistance under section 13-2704.02, at least
7 ~~three two~~ thousand dollars but no more than ~~fifteen ten~~ thousand dollars;
8 (3) Assistance from the fund shall not amount to more than fifty
9 percent of the cost of the project for which a grant is requested; ~~and~~
10 (4) A municipality shall not be awarded more than one grant of
11 assistance under section 13-2704.01 and one grant of assistance under
12 section 13-2704.02 in any ~~two-year~~ ~~five-year~~ period; ~~and~~ -
13 (5) A municipality shall not sell any civic, community, or
14 recreation center that received grant funds for at least five years under
15 the Civic and Community Center Financing Act.
16 Sec. 4. Section 13-2707, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:
18 13-2707 (1) The department shall evaluate all applications for
19 grants of assistance under section 13-2704.01 based on the following
20 criteria, which are listed in no particular order of preference:
21 (a) Retention Impact. Funding decisions by the department shall be
22 based on the likelihood of the project retaining existing residents in
23 the community where the project is located, developing, sustaining, and
24 fostering community connections, and enhancing the potential for economic

25 growth in a manner that will sustain the quality of life and promote
 26 long-term economic development;
 27 (b) New Resident Impact. Funding decisions by the department shall
 28 be based on the likelihood of the project attracting new residents to the
 29 community where the project is located;
 30 (c) Visitor Impact. Funding decisions by the department shall be
 31 based on the likelihood of the project enhancing or creating an
 1 attraction that would increase the potential of visitors to the community
 2 where the project is located from inside and outside the state;
 3 (d) Readiness. The applicant's fiscal and economic capacity to
 4 finance the local share and ability to proceed and implement its plan and
 5 operate the civic center, community center, or recreation center; and
 6 (e) Project Planning. Projects with completed technical assistance
 7 and feasibility studies shall be preferred to those with no prior
 8 planning.
 9 (2) The department shall give priority to applications from
 10 municipalities which have not received a grant of assistance under
 11 section 13-2704.01 within the last ten years.
 12 ~~(3) (2)~~ Any grant of assistance under section 13-2704.01 shall be
 13 matched at least equally from local sources. At least fifty percent of
 14 the local match must be in cash.
 15 ~~(4) (3)~~ To receive a grant of assistance under section 13-2704.01,
 16 the project for which the grant is requested shall be located in the
 17 municipality that applies for the grant.
 18 Sec. 5. Original sections 13-2703, 13-2704.01, and 13-2707, Revised
 19 Statutes Cumulative Supplement, 2016, and section 13-2705, Revised
 20 Statutes Supplement, 2017, are repealed.
 21 Sec. 6. Since an emergency exists, this act takes effect when passed
 22 and approved according to law.
 23 2. On page 1, line 2, after "13-2703" insert ", 13-2704.01,"; and in
 24 line 8 strike "and" and after "sections" insert "; and to declare an
 25 emergency".

LEGISLATIVE BILL 940A. Placed on Select File.

LEGISLATIVE BILL 906. Placed on Select File with amendment.
 ER141

1 1. On page 1, line 3, strike "certain Schedule I" and insert "the
 2 schedules of".

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Harr filed the following amendment to LB947:
 AM2620

(Amendments to Standing Committee amendments, AM2542)

1 1. On page 14, line 23, strike "five" and insert "twenty-five".

Senator Harr filed the following amendment to LB947:

AM2619

(Amendments to Standing Committee amendments, AM2542)

- 1 1. On page 8, strike beginning with "and" in line 26 through line 31
- 2 and insert "at a rate equal of 5.58 percent on all taxable income.".
- 3 2. On page 9, strike lines 1 through 17.

Senator Harr filed the following amendment to LB947:

AM2618

(Amendments to Standing Committee amendments, AM2542)

- 1 1. Strike section 5.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

Senator Harr filed the following amendment to LB947:

AM2621

(Amendments to Final Reading copy)

- 1 1. Strike section 8.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

Senator Harr filed the following amendment to LB947:

AM2622

(Amendments to Final Reading copy)

- 1 1. Strike section 10.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 738A. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 738, One Hundred Fifth Legislature, Second Session, 2018.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 366. Introduced by Kolterman, 24.

WHEREAS, the York High School boys' basketball team won the 2018 Class B Boys' State Basketball Championship; and

WHEREAS, this is the second boys' state basketball title for the York Dukes basketball team and the first since 1944; and

WHEREAS, with their victory over Omaha Skutt in the championship game, the Dukes became the first team to win two double-overtime games in the same state tournament; and

WHEREAS, Coach Scott Lamberty provided the leadership to cap a 27-1 regular season with a state championship; 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 York High School boys' basketball team on winning the Class B Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the York High School boys' basketball team and Coach Scott Lamberty.

Laid over.

SELECT FILE

LEGISLATIVE BILL 944. The Pansing Brooks amendment, AM2346, found on page 961 and considered in this day's Journal, was renewed.

PRESIDENT FOLEY PRESIDING

Senator Stinner offered the following motion:

MO295

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

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

Voting in the affirmative, 31:

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

Voting in the negative, 7:

Chambers	Kolowski	Morfeld	Schumacher
Hansen	Krist	Pansing Brooks	

Present and not voting, 10:

Baker	Crawford	Howard	Vargas	Wayne
Blood	Harr	McCollister	Walz	Wishart

Excused and not voting, 1:

Quick

The Stinner motion to invoke cloture failed with 31 ayes, 7 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Briese filed the following amendment to LB1103:
 FA134
 Page 2, line 13 strike "the" and insert "this"

Senator Briese filed the following amendment to LB1103:
 FA135
 Page 2, line 13 strike "the" and insert "this"

Senator Briese filed the following amendment to LB1103:
 FA136
 Page 2, line 13 strike "the" and insert "this"

GENERAL FILE

LEGISLATIVE BILL 295. The Harr motion, MO294, found on page 1119, to reconsider the vote taken to indefinitely postpone, was renewed.

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

Senator Linehan requested a record vote on the motion to cease debate.

Voting in the affirmative, 27:

Albrecht	Geist	Kolterman	McCollister	Smith
Baker	Groene	Krist	Murante	Thibodeau
Bostelman	Halloran	Kuehn	Pansing Brooks	Williams
Briese	Harr	Larson	Riepe	
Crawford	Hilkemann	Lindstrom	Scheer	
Erdman	Kolowski	Linehan	Schumacher	

Voting in the negative, 1:

Chambers

Present and not voting, 16:

Blood	Clements	Hughes	Stinner
Bolz	Ebke	Lowe	Walz
Brasch	Friesen	McDonnell	Watermeier
Brewer	Hansen	Morfeld	Wayne

Excused and not voting, 5:

Hilgers	Howard	Quick	Vargas	Wishart
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The motion to cease debate prevailed with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

The Harr motion to reconsider failed with 9 ayes, 19 nays, 14 present and not voting, and 7 excused and not voting.

Title read. Considered.

Committee AM1418, found on page 1626, First Session, 2017, was offered.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 367. Introduced by Hansen, 26; Bolz, 29; Hilkemann, 4; Howard, 9.

WHEREAS, the Nebraska Wesleyan University men's basketball team won the 2018 NCAA Division III Men's Basketball Championship; and

WHEREAS, the Prairie Wolves won the national championship by defeating the University of Wisconsin-Oshkosh 78-72 in Salem, Virginia; and

WHEREAS, this is the first national men's basketball championship for the Prairie Wolves; and

WHEREAS, the Prairie Wolves finished the season with a record of 30 wins and 3 losses.

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

1. That the Legislature congratulates the Nebraska Wesleyan University men's basketball team for their outstanding season and for winning the 2018 NCAA Division III Men's Basketball Championship.

2. That a copy of this resolution be sent to the Nebraska Wesleyan University men's basketball team and Coach Dale Wellman.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McDonnell name added to LB845.

WITHDRAW - Cointroducer(s)

Senator Krist name withdrawn from LB389.

VISITORS

Visitors to the Chamber were 55 fourth-grade students from Syracuse; 25 fourth-grade students from Sutton; 4 students and sponsors from Wayne State College; 20 fourth-grade students from Shelby-Rising City Schools, Shelby; 40 high school students from Lincoln High School; and a group from Angel Guardians, Omaha.

ADJOURNMENT

At 12:23 p.m., on a motion by Senator Geist, the Legislature adjourned until 9:00 a.m., Monday, March 26, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-NINTH DAY - MARCH 26, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****FORTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 26, 2018

PRAYER

The prayer was offered by Pastor Adam DeMike, Faith Missionary Church, Weeping Water.

ROLL CALL

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

The roll was called and all members were present except Senators Briese, Groene, Hansen, Kuehn, Vargas, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 947A. Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 947, One Hundred Fifth Legislature, Second Session, 2018; and to declare an emergency.

MOTION(S) - Print in Journal

Senator Brasch filed the following motion to LB1069:
MO296
Place on General File pursuant to Rule 3, Section 20(b).

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR351 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR351.

GENERAL FILE

LEGISLATIVE BILL 990A. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 993A. Considered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1090A. Considered.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1008. The first committee amendment, AM2564, found on page 1090 and considered on page 1095, was renewed.

Senator Brewer offered his amendment, AM2609, found on page 1100, to the first committee amendment.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1081. Placed on Select File with amendment.

ER143

1 1. In the Linehan amendment, AM2593, on page 2, line 13, strike
2 "board" and insert "State Board of Education".

3 2. On page 1, line 17, after the first semicolon insert "to adopt
4 the Nebraska Reading Improvement Act;".

5 3. On page 2, line 27, strike "department" and insert "State
6 Department of Education".

7 4. On page 5, line 16, after "incorporated" insert "city of the
8 metropolitan class or" and strike the new matter.

9 5. On page 13, line 12, strike the first comma and insert "and the"
10 and after the third comma insert "and".

LEGISLATIVE BILL 1081A. Placed on Select File.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Education

The Education 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.

Nicholas Baxter - Nebraska Educational Telecommunications Commission
Frederik Ohles - Nebraska Educational Telecommunications Commission

Aye: 8 Ebke, Erdman, Groene, Kolowski, Linehan, Morfeld, Pansing Brooks, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

The Education 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.

Paul Von Behren - Coordinating Commission for Postsecondary Education

Aye: 8 Ebke, Erdman, Groene, Kolowski, Linehan, Morfeld, Pansing Brooks, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Mike Groene, Chairperson

AMENDMENT(S) - Print in Journal

Senator Baker filed the following amendments to LB640:

AM2635

(Amendments to Standing Committee amendments, AM752)

1 1. On page 1, lines 11 through 13, strike the new matter.

AM2636

(Amendments to Standing Committee amendments, AM752)

1 1. On page 1, lines 9 and 10, strike the new matter and reinstate
2 the stricken matter.
3 2. On page 3, strike lines 5 through 25.

AM2637

(Amendments to Standing Committee amendments, AM752)

1 1. Strike section 8.
2 2. Renumber the remaining sections and correct the repealer
3 accordingly.

AM2638

(Amendments to Standing Committee amendments, AM752)

1 1. On page 13, lines 1 through 5, reinstate the stricken matter.

AM2639

(Amendments to Standing Committee amendments, AM752)

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

AM2640

(Amendments to Standing Committee amendments, AM752)

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

AM2641

(Amendments to Standing Committee amendments, AM752)

- 1 1. Strike section 3.
- 2 2. Renumber the remaining sections.

AM2642

(Amendments to Standing Committee amendments, AM752)

- 1 1. Strike section 4.
- 2 2. Renumber the remaining sections.

AM2643

(Amendments to Standing Committee amendments, AM752)

- 1 1. Strike section 9.
- 2 2. Renumber the remaining sections.

AM2644

(Amendments to Standing Committee amendments, AM752)

- 1 1. Strike section 10.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

AM2645

(Amendments to Standing Committee amendments, AM752)

- 1 1. Strike section 11.
- 2 2. Renumber the remaining section.

GENERAL FILE

LEGISLATIVE BILL 1008. The Brewer amendment, AM2609, found on page 1100 and considered in this day's Journal, to the first committee amendment, was renewed.

Pending.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 368.** Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to examine the public employees' retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System, the County Employees Retirement System, the School Employees Retirement System of the State of Nebraska, the Nebraska State Patrol Retirement System, and the Nebraska Judges Retirement System. The study may also examine the retirement system administered under the Class V School Employees Retirement Act. The study shall examine issues as they relate to the funding needs, benefits, contributions, and administration of each retirement system.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 369. Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to carry out the provisions of section 13-2402 of the Nebraska Revised Statutes, which require the Nebraska Retirement Systems Committee of the Legislature to monitor underfunded defined benefit plans administered by political subdivisions. The study committee shall conduct a public hearing for the presentation of reports by all political subdivisions with underfunded defined benefit plans.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall conduct a public hearing for the presentation of reports by all political subdivisions with underfunded defined benefit plans.
3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 370. Introduced by Hansen, 26.

PURPOSE: The purpose of this interim study is to conduct a review of issues arising from the lack of mental health treatment for those in the criminal justice system across the state and possible options for expanding services.

This study shall include, but not be limited to, an examination of the following issues:

(1) The short-term and long-term effects of housing inmates with mental health needs at county facilities, where resources are often lacking;

(2) The long wait times for openings at the Lincoln Regional Center (LRC) for defendants who have been ruled incompetent to stand trial, and the effect that has on Nebraska counties and their practice of housing those waiting for beds at the LRC; and

(3) Options for expanding treatment alternatives for defendants found incompetent to stand trial and other inmates with mental health needs, including outpatient and community treatment options and the reopening of regional centers outside Lincoln.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1008. The Brewer amendment, AM2609, found on page 1100 and considered in this day's Journal, to the first committee amendment, was renewed.

SPEAKER SCHEER PRESIDING

Senator Hughes offered the following motion:

MO298

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Hughes moved for a call of the house. The motion prevailed with 22 ayes, 4 nays, and 23 not voting.

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

Voting in the affirmative, 35:

Albrecht	Crawford	Howard	McCollister	Schumacher
Baker	Ebke	Hughes	McDonnell	Smith
Bolz	Friesen	Kolowski	Morfeld	Thibodeau
Bostelman	Geist	Kolterman	Murante	Vargas
Brasch	Harr	Krist	Quick	Walz
Briese	Hilgers	Kuehn	Riepe	Williams
Clements	Hilkemann	Lindstrom	Scheer	Wishart

Voting in the negative, 4:

Brewer	Larson	Watermeier	Wayne
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Present and not voting, 8:

Blood	Erdman	Hansen	Lowe
Chambers	Halloran	Linehan	Pansing Brooks

Excused and not voting, 2:

Groene	Stinner
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The Hughes motion to invoke cloture prevailed with 35 ayes, 4 nays, 8 present and not voting, and 2 excused and not voting.

The Brewer amendment lost with 8 ayes, 28 nays, 11 present and not voting, and 2 excused and not voting.

The original committee amendment, AM2292, was adopted with 38 ayes, 4 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 2 nays, 3 present and not voting, and 2 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 371. Introduced by Brasch, 16.

PURPOSE: The purpose of this resolution is to compile information regarding the number and nature of fence dispute claims filed pursuant to section 34-112.02 of the Nebraska Revised Statutes since enactment of Legislative Bill 108 in 2007 and the extent to which mediation services have been utilized to resolve fencing disputes. The study shall further examine the utility of, and options for, reinstating a fenceviewing mechanism into the Nebraska fence law to provide factfinding and arbitration functions for fencing disputes between adjacent landowners.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 372. Introduced by Baker, 30; McCollister, 20.

PURPOSE: Since the 1970s, school shootings have increased in communities across the nation. School shooters do not have a shared profile, nor a common reason for their attacks.

School violence is a whole community issue and must be addressed at all levels of government to ensure safe learning environments for elementary and secondary school students, teachers, administrators, and others.

In its February 2018 report, "Making Schools Safer," the U.S. Secret Service states, "There are many aspects to creating positive school climates and school safety. School administrators manage reports of all types of concerning behavior, ranging from vandalism to bullying, fights to drugs, suicidal behaviors and violence. With limited resources, schools must be creative in how they address these issues."

The purpose of this resolution is to examine school violence and identify steps that can be taken at the state level to support the efforts of local communities and school districts in preserving our schools as safe environments for learning and growth.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB589:
AM2663

- 1 1. Strike original section 1 and insert the following new section:
- 2 Section 1. Section 29-1917, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 29-1917 (1) Except as provided in section 29-1926 and subsection (5)
- 5 of this section, at any time after the filing of an indictment or
- 6 information in a felony prosecution or a petition in a juvenile
- 7 proceeding under subdivision (2) or (3)(a) of section 43-247, the

8 prosecuting attorney or the defendant may request the court to allow the
9 taking of a deposition of any person other than the defendant who may be
10 a witness in the trial of the offense. The court may order the taking of
11 the deposition when it finds the testimony of the witness:

12 (a) May be material or relevant to the issue to be determined at the
13 trial of the offense; or

14 (b) May be of assistance to the parties in the preparation of their
15 respective cases.

16 (2) An order granting the taking of a deposition shall include the
17 time and place for taking such deposition and such other conditions as
18 the court determines to be just.

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

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

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

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

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

VISITORS

Visitors to the Chamber were members of the Monument Prevention Advisory Board from Scotts Bluff County; 65 fourth-grade students from Huntington Elementary, Lincoln; 8 members of the National Association of Insurance and Financial Advisors of Nebraska; and 24 fourth-grade students from Bruning-Davenport Elementary, Davenport.

RECESS

At 11:56 a.m., on a motion by Senator McDonnell, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Bolz, Briese, Friesen, Hilgers, Larson, Morfeld, Stinner, Watermeier, Wayne, Williams, and Wishart who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 776. Senator McCollister withdrew his amendment, AM2018, found on page 700 and considered on page 847.

Senator Groene asked unanimous consent to withdraw his motion, MO243, found on page 853, to reconsider the vote taken to bracket. No objections. So ordered.

Senator Groene withdrew his amendment, AM2373, found on page 947.

Senator McCollister offered his amendment, AM2512, found on page 1038.

The McCollister amendment was adopted with 30 ayes, 1 nay, 7 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 2 nays, 8 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 589. Senator Chambers asked unanimous consent to withdraw his motion, MO253, found on page 938, to reconsider the vote taken to recommit to committee. No objections. So ordered.

Committee AM438, found on page 695, First Session, 2017, and considered on pages 396, 438, 483, 926, and 930, was renewed.

Pending.

AMENDMENT(S) - Print in Journal

Senator Brasch filed the following amendment to LB1069:
AM2382

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

3 Section 1. Section 79-724, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 79-724 It is the responsibility of society to ensure that youth are
6 given the opportunity to become competent, responsible, patriotic, and
7 civil citizens to ensure a An informed, loyal, just, and patriotic
8 citizenry is necessary to a strong, stable, just, and prosperous America.
9 Such a citizenry necessitates that every member thereof be fully literate
10 about our acquainted with the nation's history, government, geography,
11 and economic system. The youth in our state should be committed to the
12 ideas and values of our country's democracy and the constitutional
13 republic established by the people. Schools should help prepare our youth
14 to make informed and reasoned decisions for the public good. Civic
15 competence is necessary to sustain and improve our democratic way of life
16 and must be taught in all public, private, denominational, and parochial
17 schools. A central role of schools is to impart civic knowledge and
18 skills that help our youth to see the relevance of a civic dimension for
19 their lives. Students should be made fully aware of the liberties,
20 opportunities, and advantages of which we are possessed and the
21 sacrifices and struggles of those through whose efforts these benefits
22 were gained and that he or she be in full accord with our form of
23 government and fully aware of the liberties, opportunities, and
24 advantages of which we are possessed and the sacrifices and struggles of
25 those through whose efforts these benefits were gained. Since youth is
26 the time most susceptible to the acceptance of principles and doctrines
27 that will influence men and women throughout their lives, it is one of
1 the first duties of our educational system to conduct its activities,
2 choose its textbooks, and arrange its curriculum in such a way that the
3 youth of our state become competent, responsible, patriotic, and civil
4 American citizens the love of liberty, justice, democracy, and America
5 will be instilled in the hearts and minds of the youth of the state.

6 (1) Every school board of a school district shall, at the beginning
7 of each school year, appoint from its members a committee of three, to be
8 known as the committee on Americanism. The committee on Americanism
9 shall:

10 (a) Hold no fewer than three public meetings annually, at least one
11 where public testimony is accepted;
12 (b) Keep minutes of all meetings showing the time and place of the
13 meeting, which members were present and absent, and the substance and
14 details of all matters discussed;
15 (c) ~~(a)~~ Carefully examine and ensure that the social studies
16 curriculum used in the district is aligned to the social studies
17 standards adopted pursuant to section 79-760.01 and teaches and assesses
18 foundational knowledge in civics, history, economics, financial literacy,

19 and geography;

20 (d) Review and approve the social studies curriculum to ensure that
21 it adequately stresses ~~inspect, and approve all textbooks used in the~~
22 teaching of American history and civil government in the school. Such
23 ~~textbooks shall adequately stress~~ the services of the men and women who
24 achieved our national independence, established our constitutional
25 government, and preserved our union and ~~is shall be~~ so written to include
26 the incorporation of curriculum standards as set forth in sections 79-719
27 to 79-723 so contributions by ethnic groups as to develop a pride and
28 respect for our institutions and not be a mere recital of events and
29 dates;

30 (e) Ensure any curriculum that is recommended or approved by the
31 committee on Americanism is made readily accessible to the public and
1 contains a reference to this section;

2 (f) Ensure the district develops and utilizes formative, interim,
3 and summative assessments, including at a minimum, but not limited to,
4 the civics portion of the naturalization examination administered by
5 United States Citizenship and Immigration Services to measure student
6 mastery of the social studies standards adopted pursuant to section
7 79-760.01 administered no later than eighth grade and eleventh grade,
8 with the individual score from such examination for each student made
9 available to the parents or guardians of such student;

10 (g) ~~(b)~~ Assure themselves as to the character of all teachers
11 employed and their knowledge and acceptance of the American form of
12 government; and

13 (h) ~~(c)~~ Take all such other steps as will assure the carrying out of
14 the provisions of this section and provide a report to the school board
15 regarding the committee's findings and recommendations.

16 (2) All social studies ~~American history~~ courses approved for grade
17 levels as provided by this section shall include and adequately stress
18 contributions of all ethnic groups (a) to the development and growth of
19 America into a great nation, (b) to art, music, education, medicine,
20 literature, science, politics, and government, and (c) to the war
21 services in all wars of this nation.

22 (3) All grades of all public, private, denominational, and parochial
23 schools, below the sixth grade, shall devote at least one hour per week
24 to exercises or teaching periods for the following purpose:

25 (a) The discussion ~~recital~~ of stories having to do with American
26 history or the deeds and exploits of American heroes;

27 (b) The historical background, memorization, and singing of
28 patriotic songs such as and the insistence that every pupil memorize the
29 Star-Spangled Banner and America the Beautiful; and

30 (c) The development of reverence for the flag and instruction as to
31 proper conduct in its presentation.

1 (4) In at least two of the three grades from the fifth grade to the
2 eighth grade in all public, private, denominational, and parochial
3 schools, ~~time at least three periods per week~~ shall be set aside for ~~to~~
4 be devoted to the teaching of American history from the social studies
5 curriculum approved textbooks, which shall be taught in such a way that

6 all students are given the opportunity to become competent, responsible,
 7 patriotic, and civil citizens who possess a deep understanding of the
 8 United States Constitution and the Constitution of Nebraska and be
 9 prepared to preserve, protect, and defend freedom and democracy in our
 10 nation and our world as to make the course interesting and attractive and
 11 to develop a love of country.

12 (5) In at least two courses in grades of every high school, time at
 13 least three periods per week shall be devoted to the teaching of civics
 14 and American history as outlined in the social studies standards adopted
 15 pursuant to section 79-760.01, during which courses specific attention
 16 shall be given to the following matters:

17 (a) The Declaration of Independence, the United States Constitution,
 18 and the Constitution of Nebraska, and the structure and function of local
 19 government in this state;

20 (b) The benefits and advantages of our form of government, and the
 21 rights and responsibilities of citizenship in our government, and the
 22 dangers and fallacies of forms of government that restrict individual
 23 freedoms or possess antidemocratic ideals such as, but not limited to,
 24 Nazism and communism, dangers and fallacies of Nazism, Communism, and
 25 similar ideologies; and

26 (c) The duties of citizenship, including active participation in the
 27 improvement of a citizen's community, state, country, and world and the
 28 value and practice of civil discourse between opposing interests; and -

29 (d) The application of knowledge in civics, history, economics,
 30 financial literacy, and geography in order to address meaningful issues
 31 within our society.

1 (6) Appropriate patriotic exercises suitable to the occasion shall
 2 be held under the direction of the superintendent in every public,
 3 private, denominational, and parochial school on George Washington's
 4 birthday, Abraham Lincoln's birthday, Dr. Martin Luther King, Jr.'s
 5 birthday, American Indian Day, Flag Day, Memorial Day, Veterans Day,
 6 Columbus Day, and Thanksgiving Day, or on the day or week Lincoln's
 7 birthday, Washington's birthday, Flag Day, Memorial Day, and Veterans
 8 Day, or on the day preceding or following such holiday, if the school is
 9 in session.

10 (7) Every school board, the State Board of Education, and the
 11 superintendent of each school district in the state shall be held
 12 directly responsible in the order named for carrying out this section,
 13 and neglect thereof by any employee or appointed official shall be
 14 considered a dereliction of duty and may be considered a cause for
 15 dismissal.

16 Sec. 2. Section 79-727, Reissue Revised Statutes of Nebraska, is
 17 amended to read:

18 79-727 The State Board of Education shall adopt and promulgate
 19 rules and regulations to carry out the provisions of sections 79-724
 20 through 79-726. The State Department of Education shall ensure that all
 21 requirements of such sections and such rules and regulations are carried
 22 out by each school district. Any person violating the provisions of
 23 sections 79-724 to 79-726 is guilty of a Class III misdemeanor.

24 Sec. 3. Original sections 79-724 and 79-727, Reissue Revised
25 Statutes of Nebraska, are repealed.

Senator Bostelman filed the following amendment to LB901:
AM2614

(Amendments to Standing Committee amendments, AM1726)

1 1. On page 2, strike beginning with the comma in line 13 through the
2 comma in line 14.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 373. Introduced by Lindstrom, 18.

PURPOSE: The purpose of this resolution is to study the potential for public safety officers to retain a portion of pension funds for health care under section 402(l) of the Internal Revenue Code, commonly known as the Healthcare Enhancement for Local Public Safety Retirees (HELPS).

The study shall include, but not be limited to, an examination of the following:

(1) The feasibility of Nebraska public safety officers benefiting from the provisions of HELPS;

(2) The feasibility of different pension plans that allow pretax dollars to be used for health care costs; and

(3) Any relevant considerations, benefits, and challenges of implementing this benefit for public safety officer retirees.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 374. Introduced by Clements, 2; Blood, 3; Crawford, 45; Murante, 49; Smith, 14; Watermeier, 1.

PURPOSE: The purpose of this study is to examine the regional boundaries of the Nebraska Planning and Development Regions set forth in section 13-1901 of the Nebraska Revised Statutes and to recommend any potential changes to such regional boundaries.

The Nebraska Planning and Development Regions were created by LB 573 in 1992 to promote regional planning and economic development throughout the state. The boundaries of these regions have remained unchanged for twenty-six years, even though regional demographics and economic ties between counties and communities have seen much change. A

reassessment of the current boundaries is necessary in order to ensure they are aligned with present economic and demographic realities.

The study committee shall evaluate the boundaries of the Nebraska Planning and Development Regions. Such evaluation shall include, but not be limited to, (1) examining the current growth and development trends in and around these regions, (2) recommendations on whether or not the number of regions currently in statute is optimal, (3) and any recommendations regarding proposed changes to the current boundaries.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 589. Committee AM438, found on page 695, First Session, 2017, and considered on pages 396, 438, 483, 926, 930, and in this day's Journal, was renewed.

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

Senator Crawford moved for a call of the house. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

The motion to cease debate prevailed with 25 ayes, 6 nays, 12 present and not voting, and 6 excused and not voting.

The committee amendment was adopted with 25 ayes, 12 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Crawford offered her amendment, AM1682, found on page 478.

Senator Chambers offered the following amendment to the Crawford amendment:

FA137

Amend AM1682

Page 2, line 3 strike "shall" and insert "may".

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 477A. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 477, One Hundred Fifth Legislature, Second Session, 2018.

LEGISLATIVE BILL 731A. Introduced by Williams, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 731, One Hundred Fifth Legislature, Second Session, 2018.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 375. Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to examine the issues within the jurisdiction of the General Affairs Committee of the Legislature.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator McCollister filed the following amendment to LB477:

AM2603

(Amendments to Standing Committee amendments, AM2409)

1 1. Strike amendments 1 and 2 and insert the following new

2 amendments:

3 1. On page 3, strike beginning with "Advertise" in line 29 through

4 line 31 and insert "Sell an advertised blend of automotive spark ignition

5 engine fuel containing a ten percent ethanol blend or less at a price

6 other than the price advertised to the consumer on any manual, digital,

7 electronic, or any other form of advertising medium. Any location
 8 utilizing multi-product fuel dispensers with six or more fueling
 9 positions shall make such advertised automotive spark ignition engine
 10 fuel available at every fueling position. This subdivision does not apply
 11 to the sale of any fuel blends containing an ethanol content of greater
 12 than ten percent and does not prohibit discounts for cash payment, self-
 13 service, customer loyalty, fleet programs, or other similar discounts to
 14 the base price at each dispenser; or".
 15 2. On page 4, strike lines 1 through 4; and strike beginning with
 16 "payments" in line 10 through "retail" in line 12 and insert "payment,
 17 self-service, customer loyalty, fleet programs, or other similar
 18 discounts to the base price at each".

Senator Brewer filed the following amendment to LB1008:
 AM2538

(Amendments to Standing Committee amendments, AM2292)

- 1 1. Strike sections 3 and 6.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

Senator Harr filed the following amendment to LB909:
 AM2546

(Amendments to Standing Committee amendments, AM2284)

- 1 1. Insert the following new sections:
- 2 Sec. 83. Section 60-601, Revised Statutes Cumulative Supplement,
- 3 2016, is amended to read:
- 4 60-601 Sections 60-601 to 60-6,383 and section 99 of this act shall
 5 be known and may be cited as the Nebraska Rules of the Road.
- 6 Sec. 99. A driver in a vehicle on any roadway other than a
 7 controlled-access highway who is approaching a vehicle operated by a
 8 towing or vehicle recovery service, a publicly or privately owned utility
 9 maintenance vehicle, a highway maintenance vehicle, or a vehicle operated
 10 by a solid waste or recycling collection service which is stopped and
 11 displaying flashing red, yellow, or amber lights shall, unless otherwise
 12 directed by a law enforcement officer, proceed with due care and caution
 13 and:
- 14 (1) Reduce speed to a reasonable speed below the posted speed limit,
 15 move into another lane that is at least one moving lane apart from the
 16 stopped vehicle if possible under existing traffic and safety conditions,
 17 and be prepared to stop; or
- 18 (2) If such a lane change is impossible, unsafe, or prohibited by
 19 law, reduce speed to a reasonable speed below the posted speed limit and
 20 be prepared to stop.
- 21 2. Renumber the remaining sections, correct internal references, and
- 22 correct the repealer accordingly.

COMMITTEE REPORT(S)

Natural Resources

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

John W. Orr - Nebraska Environmental Trust Board

Aye: 7 Albrecht, Bostelman, Geist, Hughes, Kolowski, Quick, Walz. Nay: 0. Absent: 1 McCollister. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

GENERAL FILE

LEGISLATIVE BILL 589. The Chambers amendment, FA137, found in this day's Journal, to the Crawford amendment, was renewed.

Pending.

LEGISLATIVE BILL 998. Committee AM2044, found on page 732 and considered on page 907, was renewed.

Senator Linehan asked unanimous consent to withdraw her amendment, AM2333, found on page 907 and considered on page 918, and replace it with her substitute amendment, AM2572, to the committee amendment. No objections. So ordered.

AM2572

(Amendments to Standing Committee amendments, AM2044)

- 1 1. Insert the following new amendment:
- 2 3. On page 5, strike lines 20 through 23 and insert "donated as
- 3 gifts, bequests, or other contributions to the fund from private
- 4 sources.".
- 5 2. On page 1, strike beginning with "6," in line 1 through the
- 6 second semicolon in line 2 and insert "1, after the period insert 'The
- 7 program terminates on July 1, 2022.'; strike beginning with 'If' in line
- 8 4 through the period in line 8;"; and in line 6, after the period insert
- 9 "If a social worker is so employed, each school district with which the
- 10 social worker will interact shall designate a contact person for each
- 11 school in the school district.".

Senator Linehan moved for a call of the house. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

The Linehan amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Erdman offered the following motion:

MO299

Bracket until April 12, 2018.

The Erdman motion to bracket failed with 7 ayes, 15 nays, 22 present and not voting, and 5 excused and not voting.

Senator Hughes offered his amendment, AM2366, found on page 921, to the committee amendment.

Senator Hughes moved for a call of the house. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

The Hughes amendment lost with 17 ayes, 14 nays, 13 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The committee amendment, as amended, was adopted with 31 ayes, 2 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 8 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 957. Title read. Considered.

Committee AM1952, found on page 707, was offered.

Senator Lowe offered the following amendment to the committee amendment:

AM2659

(Amendments to Standing Committee amendments, AM1952)

1 1. On page 1, strike beginning with "Upon" in line 13 through
 2 "compensation" in line 16 and insert "After an injury or death subject to
 3 the Nebraska Workers' Compensation Act, the employer, workers'
 4 compensation insurer, or risk management pool and the employee, other
 5 person entitled to compensation, or a legal representative acting on
 6 behalf of such employee or other person entitled to compensation may
 7 enter into a written or electronic agreement that periodic or lump-sum
 8 payments to the employee or other person entitled to compensation may be
 9 made"; in line 20 after the period insert "Prior to entering into such an
 10 agreement for payment by prepaid card, the employer, workers'
 11 compensation insurer, or risk management pool shall provide information
 12 regarding the locations where such card may be used to the employee or
 13 other person entitled to compensation."; in line 24 after the period
 14 insert "The payment or transfer shall include or be accompanied by
 15 information sufficient to identify the nature of the payment being made,
 16 including the employer, workers' compensation insurer, or risk management
 17 pool and the employee or other person entitled to compensation. If an
 18 amount is withheld pursuant to section 48-149, sufficient information to

19 identify the jurisdiction, the case number or similar identifying
 20 information, and the amount withheld shall be provided to the employee or
 21 other person entitled to compensation or his or her legal representative
 22 at or near the time of withholding."; and in line 27 after the third
 23 comma insert "prior to entering into an agreement pursuant to subdivision
 24 (2)(a) of this section".
 25 2. On page 2, after line 3 insert the following new subdivision:
 26 "(c) Any payment or transfer made pursuant to subdivision (2)(a) of
 1 this section by direct deposit, prepaid card, or similar electronic
 2 payment system shall be in the full amount of the lump-sum or periodic
 3 payment awarded or paid pursuant to section 48-121 to the employee or
 4 other person entitled to compensation."; in line 4 strike "(c)" and
 5 insert "(d)"; in line 16 strike "(d)" and insert "(e)", strike "or" and
 6 insert an underscored comma, and after "compensation" insert ", or a
 7 legal representative acting on behalf of such employee or other person
 8 entitled to compensation"; in line 18 after "payment" insert "by
 9 providing written notice of such rescission to the employer, workers'
 10 compensation insurer, or risk management pool that is a party to such
 11 agreement"; strike beginning with "and" in line 18 through "reached" in
 12 line 19; in line 23 after "practicable" insert "after receiving the
 13 information necessary to do so"; in line 30 strike "(e)" and insert
 14 "(f)"; and strike beginning with "workers'" in line 30 through "agent" in
 15 line 31 and insert "a workers' compensation insurer, or a risk management
 16 pool or an agent of any such entity".
 17 3. On page 3, line 2, after "agent" insert "of any such entity"; and
 18 in line 7 strike "(f)" and insert "(g)".

The Lowe amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Senator McDonnell offered the following amendment to the committee amendment:

AM2673

(Amendments to Standing Committee amendments, AM1952)

1 1. On page 1, strike beginning with "Such" in line 18 through the
 2 period in line 20 and insert "Payments made by direct deposit, prepaid
 3 card, or similar electronic payment system pursuant to this subsection
 4 shall not be subject to attachment or garnishment or held liable in any
 5 way for any debts, except as provided in section 48-149; and an agreement
 6 under this subdivision shall include notice of this fact.".

The McDonnell amendment was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 751. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1121. Title read. Considered.

Committee AM1913, found on page 659, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1121A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 376. Introduced by Kolterman, 24.

PURPOSE: The purpose of this resolution is to study whether the Property and Casualty Insurance Rate and Form Act should be amended to modernize and reduce regulatory requirements for commercial lines of property and casualty insurance.

In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Insurance and should consider the input of interested parties as the study committee deems necessary and appropriate.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Walz filed the following amendment to LB998:
AM2665

- 1 3. On page 5, strike beginning with the period in line 16 through
- 2 "fund" in line 17; and in line 18 after the period insert "For budgetary
- 3 purposes, the fund shall be administered through the State Department of
- 4 Education.".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1034A. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1034, One Hundred Fifth Legislature, Second Session, 2018.

VISITORS

Visitors to the Chamber were 60 eighth-grade students from St. Robert Bellarmine Catholic School, Omaha; 63 fourth-grade students from Grant Elementary, Norfolk; and 10 University of Nebraska Beef Industry Scholars from Lincoln.

RECESS

At 5:32 p.m., on a motion by Senator Baker, the Legislature recessed until 6:00 p.m.

AFTER RECESS

The Legislature reconvened at 6:00 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Bolz, Friesen, Hilkemann, Howard, Hughes, Kolowski, Krist, Morfeld, Murante, Pansing Brooks, Quick, Stinner, Wayne, and Wishart who were excused until they arrive.

NOTICE OF COMMITTEE HEARING(S)

Government, Military and Veterans Affairs

Room 1507

Tuesday, April 3, 2018 12:00 p.m.

Jeanna Stavas - Nebraska Tourism Commission
Kate Sullivan - Nebraska Accountability and Disclosure Commission
Hearing on Dept. of Corrections rules and regulations from LB 446 (1994)
Hearing on Tourism Commission rules and regulations from LB 1053
(2012)
Hearing on Secretary of State rules and regulations from LB 964 (1996)
LR292
LR257

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1058. Placed on General File with amendment.
AM2527

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. This act shall be known and may be cited as the Faithful
- 4 Delegate to Federal Article V Convention Act.
- 5 Sec. 2. For purposes of the Faithful Delegate to Federal Article V
- 6 Convention Act:
- 7 (1) Alternate delegate means an individual selected pursuant to
- 8 section 4 of this act to represent this state as an alternate delegate at
- 9 an Article V convention;
- 10 (2) Article V convention means a convention called by the United
- 11 States Congress under Article V of the Constitution of the United States;
- 12 (3) Delegate means:
- 13 (a) An individual designated or appointed pursuant to section 4 of
- 14 this act to represent this state as a delegate at an Article V
- 15 convention; and
- 16 (b) An alternate delegate who fills a vacancy created by the removal
- 17 of a delegate or acts in place of the delegate in his or her absence; and
- 18 (4) Unauthorized vote means a vote by a delegate at an Article V
- 19 convention that:
- 20 (a) Exceeds the scope of the subject matter of the Article V
- 21 convention authorized by the Legislature in the application to the United
- 22 States Congress to call the convention if the Legislature made an
- 23 application to call the convention; or
- 24 (b) Exceeds the scope or subject matter of the Article V convention
- 25 if the Legislature did not make an application to the United States
- 26 Congress to call the convention.
- 27 Sec. 3. The purposes of the Faithful Delegate to Federal Article V
- 1 Convention Act are (1) to provide the rules and procedures necessary to
- 2 create and guide a delegation to an Article V convention, (2) to provide
- 3 legislative direction relating to the selection of an alternate delegate
- 4 and the filling of a vacancy of a delegate or an alternate delegate, and
- 5 (3) to determine an unauthorized vote.
- 6 Sec. 4. (1) In advance of any formal, legal call for an Article V
- 7 convention, the Legislature predetermines and authorizes the following
- 8 five officeholders to perform the duties of delegates to an Article V
- 9 convention:
- 10 (a) Lieutenant Governor;
- 11 (b) Auditor of Public Accounts;
- 12 (c) Secretary of State;
- 13 (d) State Treasurer; and
- 14 (e) Speaker of the Legislature.
- 15 (2) The Executive Board of the Legislative Council shall select five

16 alternate delegates from the list of chairpersons and vice-chairpersons
17 of the standing committees of the Legislature at the time of the formal,
18 legal call of the Article V convention.

19 (3) If the number of delegates allocated to represent this state at
20 the Article V convention is determined by the United States Congress or
21 by agreement among the states to be more than five, each delegate
22 designated pursuant to subsection (1) of this section, in the order
23 listed in such subsection, shall appoint a designee to serve as an
24 additional delegate until the number of delegates allocated has been
25 appointed, up to ten delegates. If the number is more than ten, the
26 Legislature shall appoint additional delegates from among the members of
27 the Legislature, up to the allocated number, by majority vote of the
28 members of the Legislature. The executive board shall appoint the
29 appropriate number of alternate delegates from among the members of the
30 Legislature after the appointment of the delegates.

31 (4) The executive board shall pair each alternate delegate with a
1 delegate at the time of the formal, legal calling of an Article V
2 convention or the appointment of the delegates or alternate delegates.
3 The alternate delegate is designated to automatically fill a vacancy in
4 the position of the paired delegate. If the positions of the delegate and
5 paired alternate delegate are both vacant, the executive board shall
6 appoint a new delegate and paired alternate delegate to succeed the prior
7 delegate and alternate delegate from the list of chairpersons and vice-
8 chairpersons of the standing committees of the Legislature at the time of
9 the vacancies.

10 Sec. 5. (1) The delegates and alternate delegates shall not be
11 compensated for their service as delegates and alternate delegates.

12 (2) The delegates and alternate delegates may be reimbursed for
13 their actual and necessary expenses incurred in the performance of their
14 official duties as provided in sections 81-1174 to 81-1177.

15 Sec. 6. (1) Each delegate and alternate delegate shall take the
16 following oath before voting or taking an action as a delegate or an
17 alternate delegate of this state: I do solemnly swear (or affirm) that,
18 to the best of my abilities, I will, as a delegate (or an alternate
19 delegate) to the Article V convention, act according to the limits of the
20 authority granted to me as a delegate (or an alternate delegate) under
21 the Faithful Delegate to Federal Article V Convention Act and will not
22 consider or vote to approve an amendment to the Constitution of the
23 United States not authorized by the Legislature in its application to the
24 United States Congress to call this convention or an amendment outside of
25 the scope of this convention if the Legislature did not make an
26 application to the United States Congress to call this convention.

27 (2) Each delegate and alternate delegate shall file the executed
28 oath with the Secretary of State.

29 Sec. 7. An alternate delegate shall act in the place of his or her
30 paired delegate when the delegate is absent from the convention. An
31 alternate delegate acting under this section shall be deemed the delegate
1 for purposes of such action.

2 Sec. 8. (1) A delegate shall not cast an unauthorized vote. An

3 unauthorized vote is invalid.

4 (2) A delegate who casts an unauthorized vote is disqualified from
 5 serving as a delegate or an alternate delegate, and a vacancy created by
 6 a disqualification shall be filled as provided in section 4 of this act.

7 (3) A delegate who casts an unauthorized vote may be removed
 8 following a quo warranto action pursuant to sections 25-21,121 to
 9 25-21,148. A delegate who is found guilty of casting an unauthorized vote
 10 pursuant to such action shall be removed as a delegate, notwithstanding
 11 section 25-21,133. If a delegate who holds that position by virtue of
 12 holding another office is removed as a delegate pursuant to a quo
 13 warranto action, he or she shall not be removed from the other office
 14 pursuant to that quo warranto action.

15 (4) The Attorney General shall, upon the request of a delegate or an
 16 alternate delegate, advise the delegate or alternate delegate whether
 17 there is reason to believe that an action or an attempt to take an action
 18 by a delegate could result in an unauthorized vote.

LEGISLATIVE BILL 1065. Placed on General File with amendment.
 AM1890 is available in the Bill Room.

LEGISLATIVE BILL 1115. Placed on General File with amendment.
 AM2664

1 1. On page 2, lines 4 and 5, strike "the supreme court districts.";
 2 and in line 9 after the last "the" insert "same year as the".

(Signed) John Murante, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 377. Introduced by Lowe, 37;
 Brewer, 43; Crawford, 45; Howard, 9; Quick, 35; Wayne, 13.

PURPOSE: The purpose of this interim study is to review procedures and practices at the Youth Rehabilitation and Treatment Center-Kearney and the Youth Rehabilitation and Treatment Center-Geneva with the intent to improve the safety and security of the residents of the facilities, staff at the facilities, and neighbors who live near the facilities.

The study shall include an examination of the following:

- (1) Recent practices and procedures that have worked to improve safety and security and those that have not been effective; and
- (2) Practices and procedures that have been attempted at other facilities to improve safety and security but have not been attempted at the Youth Rehabilitation and Treatment Center-Kearney or the Youth Rehabilitation and Treatment Center-Geneva.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 378. Introduced by Larson, 40; Lindstrom, 18; Williams, 36.

PURPOSE: The purpose of this resolution is to study what changes to the Uniform Protected Series Act (UPSA) are necessary for the act to best fit within Nebraska business entity law and practices. The UPSA, as promulgated by the National Conference of Commissioners of Uniform State Laws (NCCUSL) in 2017, is the first comprehensive statute governing series limited liability companies. The study should include a review of issues raised during consideration of Legislative Bill 1121, which was introduced by Senator Larson in 2018 and referenced to the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Secretary of State and Nebraska members of the NCCUSL. The study committee should also consider the input of interested persons, including the practicing bar, as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 379. Introduced by Kuehn, 38.

PURPOSE: The purpose of this resolution is to study the potential impact of changing provisions under the Industrial Relations Act for the determination of same or similar working conditions for noncertificated or noninstructional school employees employed by a school district, educational service unit, or community college by including criteria related to the property tax base of the employer.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee may upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 497. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 1 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 629. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 799. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 5 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 812. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 6 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 815. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 3 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 733. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 1 nay, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 847. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 848. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 732. Title read. Considered.

Committee AM1526, found on page 474, was adopted with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 840. Title read. Considered.

Committee AM1596, found on page 477, was adopted with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 708. Title read. Considered.

Committee AM1632, found on page 519, was adopted with 38 ayes, 0 nays, 3 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 3 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 885. Title read. Considered.

Committee AM1626, found on page 552, was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1012. Title read. Considered.

Committee AM1691, found on page 554, was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 701. Title read. Considered.

Committee AM1880, found on page 636, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 742. Title read. Considered.

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

RESOLUTION(S)

LEGISLATIVE RESOLUTION 380. Introduced by Hilgers, 21.

WHEREAS, Diffuse Intrinsic Pontine Glioma (DIPG) affects between 200 and 400 children in the United States each year; and

WHEREAS, brain tumors are the leading cause of cancer-related deaths in children; and

WHEREAS, DIPG is the second-most common malignant brain tumor found in children and the leading cause of childhood death due to brain tumors; and

WHEREAS, prognosis has not improved for children with DIPG in more than 35 years, but new medical technology and research finally offers hope for treatments for children afflicted with this disease; and

WHEREAS, Nebraska is pleased to help increase public awareness of this deadly childhood cancer.

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

1. That the Legislature designates May 17, 2018, as DIPG Awareness Day in Nebraska.

2. That the citizens of the state are encouraged to learn about Diffuse Intrinsic Pontine Glioma and support DIPG research.

Laid over.

LEGISLATIVE RESOLUTION 381. Introduced by Hilgers, 21.

PURPOSE: The purpose of this interim study is to examine potential inclusion of financial literacy and entrepreneurship in the academic content standards adopted by the State Board of Education as proposed in Legislative Bill 1094, which was heard by the Education Committee of the Legislature on February 6, 2018. Entrepreneurship and financial literacy are essential for a strong education and are pivotal elements for the growth of Nebraska. The ability to manage funds and financial resources is crucial for a lifetime of financial well-being, and the Legislature recognizes the importance of entrepreneurship in Nebraska for the cultivation of growth and innovation within the state.

This study shall include, but not be limited to, an examination of academic content standards related to:

- (1) Using financial resources effectively;
- (2) Managing debt, including student loans, mortgages, credit cards, and car loans;

(3) Managing personal finances, including, but not limited to: Investing personal assets, utilizing savings accounts, handling insurance, and filing taxes; and

(4) Employing entrepreneurship skills, including business planning, business operations, and business financing.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 382. Introduced by Hilgers, 21.

PURPOSE: The purpose of this study is to conduct a comprehensive review of the provisions in state law affecting farm wineries. The study committee may seek input from industry stakeholders, including, but not limited to, the Nebraska Winery and Grape Growers Association, the Nebraska Grape and Winery Board, the Department of Agriculture, the University of Nebraska Institute of Agriculture and Natural Resources, the Nebraska Tourism Commission, and the Nebraska Liquor Control Commission. The study committee shall examine issues including, but not be limited to:

(1) How current statutory provisions hamper the growth potential for the farm winery industry;

(2) Policies that may be developed to promote farm wineries in the state; and

(3) Policies in other states regarding farm wineries.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Ebke filed the following amendment to LB841:
AM2634 is available in the Bill Room.

Senator Bolz filed the following amendment to LB793:

AM2583

1 1. Insert the following new sections:

2 Section 1. Section 68-1111, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 68-1111 Sections 68-1111 to 68-1119 and section 9 of this act shall
5 be known and may be cited as the Aging and Disability Resource Center
6 ~~Demonstration Project~~ Act.

7 Sec. 2. Section 68-1113, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 68-1113 The purpose of the Aging and Disability Resource Center
10 ~~Demonstration Project~~ Act is ~~to evaluate the feasibility of establishing~~
11 ~~aging and disability resource centers statewide~~ to provide information
12 about long-term care services and support available in the home and
13 community for older Nebraskans or persons with disabilities, family
14 caregivers, and persons who request information or assistance on behalf
15 of others and to assist eligible individuals to access the most
16 appropriate public and private resources to meet their long-term care
17 needs.

18 It is the intent of the Legislature that aging and disability
19 resource centers serve as an ongoing component of Nebraska's long-term
20 care continuum and that aging and disability resource center sites
21 coordinate and establish partnerships as necessary with organizations
22 specializing in serving aging persons and persons with disabilities to
23 provide the services described in the act.

24 Sec. 3. Section 68-1114, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 68-1114 For purposes of the Aging and Disability Resource Center
27 ~~Demonstration Project~~ Act:

1 (1) Aging and disability resource center means a community-based
2 entity established to provide information about long-term care services
3 and support and to facilitate access to options counseling to assist
4 eligible individuals and their representatives in identifying the most
5 appropriate services to meet their long-term care needs;

6 (2) Area agency on aging has the meaning found in section 81-2208;

7 (3) Center for independent living has the definition found in 29
8 U.S.C. 796a, as such section existed on January 1, 2018 ~~2015~~;

9 (4) Department means the State Unit on Aging of the Division of
10 Medicaid and Long-Term Care of the Department of Health and Human
11 Services or any successor agency designated by the state to fulfill the
12 responsibilities of section 305(a)(1) of the federal Older Americans Act
13 of 1965, 42 U.S.C 3025(a)(1), as such section existed on January 1, 2018
14 ~~2015~~;

15 (5) Eligible individual means a person who has lost, never acquired,
16 or has one or more conditions that affect his or her ability to perform
17 basic activities of daily living that are necessary to live
18 independently;

19 (6) Options counseling means a service that assists an eligible
20 individual in need of long-term care and his or her representatives to

21 make informed choices about the services and settings which best meet his
22 or her long-term care needs and that uses uniform data and information
23 collection assessments and encourages the widest possible use of
24 community-based options to allow an eligible individual to live as
25 independently as possible in the setting of his or her choice;

26 (7) Representative means a person designated as a legal guardian,
27 designated by a power of attorney or a health care power of attorney, or
28 chosen by law, by a court, or by an eligible individual seeking services,
29 but use of the term representative shall not be construed to disqualify
30 an individual who retains all legal and personal autonomy;

31 (8) Uniform assessment means a single standardized tool used to
1 assess a defined population at a specific time; and

2 (9) University Center for Excellence in Developmental Disability
3 Education, Research and Service means the federally designated University
4 Center for Excellence in Developmental Disability Education, Research and
5 Service of the Munroe-Meyer Institute at the University of Nebraska
6 Medical Center.

7 Sec. 4. Section 68-1115, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 68-1115 The department shall award funding grants for ~~three~~ aging
10 and disability resource centers. The department shall pursue federal
11 matching funds as applicable and allocate such funds to the aging and
12 disability resource centers center demonstration projects. ~~The department~~
13 ~~shall adopt criteria for evaluating proposals to operate an aging and~~
14 ~~disability resource center demonstration project based on the~~
15 ~~requirements in section 68-1116 and release a request for proposals~~
16 ~~within sixty days after August 30, 2015.~~

17 Sec. 5. Section 68-1116, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 68-1116 (1) The aging and disability resource ~~centers center~~
20 ~~demonstration projects~~ shall be established to evaluate the feasibility
21 of establishing aging and disability resource centers statewide as a
22 means of promoting appropriate, effective, and efficient use of long-term
23 care resources. ~~The aging and disability resource center demonstration~~
24 ~~projects shall operate through June 30, 2018.~~

25 (2) Each aging and disability resource center ~~demonstration project~~
26 shall provide one or more of the following services:

27 (a) ~~(1)~~ Comprehensive information on the full range of available
28 public and private long-term care programs, options, financing, service
29 providers, and resources within a community, including information on the
30 availability of integrated long-term care;

31 (b) Options counseling;

1 (c) ~~(2)~~ Assistance in accessing and applying for public benefits
2 programs;

3 ~~(3) Options counseling;~~

4 (d) ~~(4)~~ A convenient point of entry to the range of publicly
5 supported long-term care programs for an eligible individual;

6 (e) ~~(5)~~ A process for identifying unmet service needs in communities
7 and developing recommendations to respond to those unmet needs;

8 (f) ~~(6)~~ Facilitation of person-centered transition support to assure
9 that an eligible individual is able to find the services and support that
10 are most appropriate to his or her need;
11 (g) ~~(7)~~ Mobility management to promote the appropriate use of public
12 transportation services by a person who does not own or is unable to
13 operate an automobile; and
14 (h) ~~(8)~~ A home care provider registry that will provide a person who
15 needs home care with the names of home care providers and information
16 about his or her rights and responsibilities as a home care consumer.
17 Sec. 6. Section 68-1117, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:
19 68-1117 (1) ~~An~~ Within sixty days after the release date of a request
20 ~~for proposals under section 68-1115, an area agency on aging shall~~
21 establish a partnership with one or more lead organizations that
22 specialize in serving ~~, after consultation with a collaboration of~~
23 organizations that serve aging persons and persons with congenital and
24 acquired disabilities to provide services as described in subsection (2)
25 of section 68-1116, including, but not limited to, centers for
26 independent living and the University Center for Excellence in
27 Developmental Disability Education, Research and Service, for the purpose
28 of developing an aging and disability resource center plan. After
29 consultation with a collaboration of and with other organizations,
30 ~~including, but not limited to,~~ organizations providing advocacy,
31 protection, and safety for aging persons and persons with congenital and
1 acquired disabilities, the partnership may submit to the department a
2 ~~proposal to establish an aging and disability resource center plan~~
3 ~~demonstration project. The plan proposal shall specify how organizations~~
4 ~~currently serving eligible individuals will be engaged in the process of~~
5 ~~delivery of services through the aging and disability resource center~~
6 ~~demonstration project. The proposal shall be developed in consultation~~
7 ~~with eligible individuals and their representatives. The plan proposal~~
8 shall indicate how resources will be utilized by the collaborating
9 organizations to fulfill the responsibilities of an aging and disability
10 resource center ~~demonstration project.~~
11 (2) Two or more area agencies on aging may develop a joint ~~proposal~~
12 ~~to establish an aging and disability resource center plan demonstration~~
13 ~~project to serve all or a portion of their planning-and-service areas. A~~
14 joint plan proposal shall provide information on how the services
15 described in section 68-1116 will be provided in the counties to be
16 served by the aging and disability resource center ~~demonstration project~~
17 ~~described in the joint proposal.~~
18 Sec. 7. Section 68-1118, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:
20 68-1118 The department shall provide ~~Within thirty days after~~
21 ~~receipt of a proposal developed pursuant to subsection (1) or (2) of~~
22 ~~section 68-1117, the department shall review the proposal and determine~~
23 ~~whether the proposal is eligible for funding. The department shall select~~
24 ~~three proposals for funding. The department shall enter into a contract~~
25 ~~with an independent institution having experience in evaluating aging and~~

26 ~~disability programs for an evaluation of the aging and disability~~
27 ~~resource center demonstration projects. The contract shall require that a~~
28 ~~report regarding evaluating the aging and disability resource centers~~
29 ~~demonstration projects be presented to the Clerk of the Legislature prior~~
30 ~~to December 1, of 2016, 2017, and 2018, and each December 1 thereafter.~~

31 Sec. 8. Section 68-1119, Revised Statutes Cumulative Supplement,
1 2016, is amended to read:

2 68-1119 The department shall reimburse each area agency on aging
3 operating an aging and disability resource center ~~demonstration project~~
4 on a schedule agreed to by the department and the area agency on aging.
5 Such reimbursement shall be made from (1) state funds appropriated by the
6 Legislature, (2) federal funds allocated to the department for the
7 purpose of establishing and operating aging and disability resource
8 centers, and (3) other funds as available.

9 Sec. 9. It is the intent of the Legislature that the costs for
10 staff, operations, and state aid necessary to carry out the Aging and
11 Disability Resource Center Act be funded from the Nebraska Health Care
12 Cash Fund for fiscal years 2018-19 and 2019-20.

13 Sec. 10. Section 71-7611, Revised Statutes Supplement, 2017, is
14 amended to read:

15 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State
16 Treasurer shall transfer (a) sixty million three hundred thousand dollars
17 on or before July 15, 2014, (b) sixty million three hundred fifty
18 thousand dollars on or before July 15, 2015, (c) sixty million three
19 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty
20 million seven hundred thousand dollars on or before July 15, 2017, (e)
21 ~~sixty-one sixty~~ million ~~six seven~~ hundred thousand dollars on or before
22 July 15, 2018, (f) sixty-one million three hundred fifty thousand dollars
23 on or before July 15, 2019, and (g) ~~(f)~~ sixty million four hundred fifty
24 thousand dollars on or before every July 15 thereafter from the Nebraska
25 Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement
26 Trust Fund to the Nebraska Health Care Cash Fund, except that such amount
27 shall be reduced by the amount of the unobligated balance in the Nebraska
28 Health Care Cash Fund at the time the transfer is made. The state
29 investment officer shall advise the State Treasurer on the amounts to be
30 transferred first from the Nebraska Medicaid Intergovernmental Trust Fund
31 until the fund balance is depleted and from the Nebraska Tobacco
1 Settlement Trust Fund thereafter in order to sustain such transfers in
2 perpetuity. The state investment officer shall report electronically to
3 the Legislature on or before October 1 of every even-numbered year on the
4 sustainability of such transfers. The Nebraska Health Care Cash Fund
5 shall also include money received pursuant to section 77-2602. Except as
6 otherwise provided by law, no more than the amounts specified in this
7 subsection may be appropriated or transferred from the Nebraska Health
8 Care Cash Fund in any fiscal year.

9 The State Treasurer shall transfer ten million dollars from the
10 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on
11 June 28, 2018, and June 28, 2019.

12 It is the intent of the Legislature that no additional programs are

13 funded through the Nebraska Health Care Cash Fund until funding for all
14 programs with an appropriation from the fund during FY2012-13 are
15 restored to their FY2012-13 levels.

16 (2) Any money in the Nebraska Health Care Cash Fund available for
17 investment shall be invested by the state investment officer pursuant to
18 the Nebraska Capital Expansion Act and the Nebraska State Funds
19 Investment Act.

20 (3) The University of Nebraska and postsecondary educational
21 institutions having colleges of medicine in Nebraska and their affiliated
22 research hospitals in Nebraska, as a condition of receiving any funds
23 appropriated or transferred from the Nebraska Health Care Cash Fund,
24 shall not discriminate against any person on the basis of sexual
25 orientation.

26 (4) The State Treasurer shall transfer fifty thousand dollars on or
27 before July 15, 2016, from the Nebraska Health Care Cash Fund to the
28 Board of Regents of the University of Nebraska for the University of
29 Nebraska Medical Center. It is the intent of the Legislature that these
30 funds be used by the College of Public Health for workforce training.

31 Sec. 12. Sections 11 and 13 of this act become operative three
1 calendar months after the adjournment of this legislative session. The
2 other sections of this act become operative on their effective date.

3 Sec. 14. Original sections 68-1111, 68-1113, 68-1114, 68-1115,
4 68-1116, 68-1117, 68-1118, and 68-1119, Revised Statutes Cumulative
5 Supplement, 2016, and section 71-7611, Revised Statutes Supplement, 2017,
6 are repealed.

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

9 2. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McDonnell name added to LB1040.

VISITORS

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

ADJOURNMENT

At 6:58 p.m., on a motion by Senator Hansen, the Legislature adjourned
until 9:00 a.m., Tuesday, March 27, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTIETH DAY - MARCH 27, 2018
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
 Tuesday, March 27, 2018

PRAYER

The prayer was offered by Pastor Becky Saddler, Arapahoe First United Methodist Church, Arapahoe.

ROLL CALL

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

The roll was called and all members were present except Senators Morfeld, Murante, Pansing Brooks, Scheer, Stinner, Vargas, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 909. Placed on Select File with amendment.
 ER145

- 1 1. In the Standing Committee amendments, AM 2284:
- 2 a. On page 12, line 26, strike "effective" and insert "operative";
- 3 b. On page 18, line 29, strike "(vix)" and insert "(ix)"; and
- 4 c. On page 90, line 23, strike the comma and show as stricken.
- 5 2. On page 1, strike beginning with the second "to" in line 1
- 6 through the first semicolon in line 12 and insert "to amend sections
- 7 28-1204.04, 37-1280, 37-1285, 37-1293, 60-104, 60-119, 60-129, 60-133,
- 8 60-142.04, 60-142.05, 60-142.06, 60-174, 60-191, 60-309, 60-335, 60-348,
- 9 60-354, 60-378, 60-389, 60-3,185, 60-4,128, 60-4,130.04, 60-6,244,
- 10 60-6,254, 60-6,255, 60-6,263, 60-6,279, 60-6,306, 60-6,307, 60-6,308,
- 11 60-6,313, and 69-2441, Reissue Revised Statutes of Nebraska, sections
- 12 60-104.01, 60-124, 60-146, 60-148, 60-168.01, 60-169, 60-171, 60-173,
- 13 60-175, 60-309.01, 60-316, 60-340, 60-3,100, 60-3,113.02, 60-3,113.03,
- 14 60-3,143, 60-3,147, 60-3,148, 60-3,187, 60-3,190, 60-3,221, 60-3,228,
- 15 60-463.02, 60-480, 60-484, 60-4,122, 60-4,123, 60-4,123.01, 60-4,124,

16 60-4,127, 60-4,182, 60-610.01, 60-639, 60-640, 60-6,226, 60-1401.28, and
17 60-1401.42, Revised Statutes Cumulative Supplement, 2016, sections
18 37-1285.01, 60-101, 60-102, 60-119.01, 60-149, 60-164, 60-164.01, 60-192,
19 60-301, 60-302, 60-336.01, 60-363, 60-386, 60-395, 60-3,104, 60-3,229,
20 60-501, 60-628.01, 60-6,267, and 60-1507, Revised Statutes Supplement,
21 2017, section 37-1283, Revised Statutes Supplement, 2017, as amended by
22 section 75, Legislative Bill 193, One Hundred Fifth Legislature, Second
23 Session, 2018, and section 60-166, Revised Statutes Supplement, 2017, as
24 amended by section 87, Legislative Bill 193, One Hundred Fifth
25 Legislature, Second Session, 2018, and section 2, Legislative Bill 275,
26 One Hundred Fifth Legislature, Second Session, 2018; to change provisions
27 relating to the Motor Vehicle Certificate of Title Act, the Motor Vehicle
1 Registration Act, the Motor Vehicle Operator's License Act, the Motor
2 Vehicle Safety Responsibility Act, the Nebraska Rules of the Road, and
3 the Motor Vehicle Industry Regulation Act; to define and redefine terms;
4 to authorize the Department of Motor Vehicles to remove a lien from a
5 certificate of title as prescribed; to change implementation dates for
6 provisions relating to electronic certificates of title for motorboats
7 and certain vehicles and the electronic dealer services system as
8 prescribed; to provide for an electronic reporting system for dismantled
9 and salvage motorboats and dismantled and salvage vehicles; to change
10 provisions relating to assembled vehicles and kit vehicles; to exempt
11 certain vehicles from titling and registration requirements as
12 prescribed; to provide for registration and titling of vehicles as
13 reconstructed or replica; to provide for application for a certificate of
14 title for an assembled vehicle; to change documentation requirements for
15 application for a certificate of title; to provide for certificates of
16 title for certain vehicles of motor vehicle auction dealers; to provide
17 for a flood damaged title brand; to provide for the use of identification
18 numbers for registering certain trailers as prescribed; to provide for
19 registration of metropolitan utilities district vehicles as prescribed;
20 to change renewal provisions relating to handicapped or disabled parking
21 permits as prescribed; to provide a tax exemption for nonresident spouses
22 of servicemembers as prescribed; to change provisions relating to
23 registration fees, gross vehicle weight, towing of trailers, issuance and
24 renewal of state identification cards, autocycles, and commercial driver
25 safety course requirements; to require operators and passengers of
26 certain autocycles to wear protective helmets as prescribed; to provide a
27 duty for the Revisor of Statutes; to provide operative dates;"

LEGISLATIVE BILL 990. Placed on Select File with amendment.
ER144

1 1. On page 1, line 1, strike "crimes and offenses" and insert
2 "firearms"; in line 3 strike "and 28-1201" and insert ", 28-1201, and
3 43-2,129"; and in line 6 after the first semicolon insert "to create a
4 duty for the court under the Nebraska Juvenile Code;"

LEGISLATIVE BILL 990A. Placed on Select File.

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Riepe filed the following amendment to LB1119:
AM2535

1 1. Strike original section 8 and insert the following new section:
2 Sec. 8. A participating provider shall continuously monitor care
3 quality in accordance with a standardized set of care quality and patient
4 satisfaction measurements. Such care quality measurements shall include,
5 but not be limited to, the following:
6 (1) Patient engagement measurement, including, but not limited to,
7 the percentage of enrollees who have:
8 (a) Completed a health risk assessment; and
9 (b) Completed a face-to-face visit to the enrollee's participating
10 provider;
11 (2) Prevention measurement, including, but not limited to, the
12 percentage of enrollees who have received appropriate screenings for
13 their age or gender; and
14 (3) Chronic disease management.
15 2. On page 2, line 6, after "provider" insert "pharmaceutical care
16 as defined in section 38-2831 provided by a licensed pharmacist."; after
17 line 18 insert the following new subdivision:
18 "(8) Plan administrator means the entity with which the department
19 contracts to administer the direct primary care health plan;" in line 19
20 strike "(8)" and insert "(9)"; in line 20 strike "(9)" and insert "(10)";
21 in line 24 strike "2021-22" and insert "2022-23"; and in line 30 after
22 the second "option" insert "for health care coverage outside of primary
23 care".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 383. Introduced by Albrecht, 17.

PURPOSE: The purpose of this interim study is to examine the feasibility of adopting a workers' compensation drug formulary. The study committee shall examine the following:

- (1) Whether prescribing practices in workers' compensation cases affect or contribute to the prescription opioid problem;
- (2) Whether the use of a drug formulary would result in more efficient delivery of medications, provide workers with reasonable and necessary care and treatment, and reduce utilization of habit-forming opioids and narcotics;
- (3) The extent to which use of a workers' compensation drug formulary would provide savings in workers' compensation claims;
- (4) Whether the use of a drug formulary can decrease the length of disability for injured workers and increase return-to-work rates and outcomes; and
- (5) Whether a workers' compensation drug formulary, if adopted, should cover all prescription drugs or be limited to only controlled substances or only opioids.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 384. Introduced by Williams, 36.

PURPOSE: The purpose of this interim study is to examine the prevalence of cancer in Nebraska and to examine the existing state funding sources that go towards cancer research. This study shall include:

(1) A determination of which cancers have the highest incidents and prevalence in Nebraska, with particular attention to be focused on pancreatic cancer, certain types of pediatric cancer, and certain types of women's cancer;

(2) A development of approaches to address the cancers found to have the highest incidents and prevalence; and

(3) An examination of the existing funding sources that go towards cancer research, including an examination of the types of cancers addressed by such funding sources and the effectiveness thereof.

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

1. That the Appropriations Committee of the Legislature, in consultation with the Health and Human Services Committee of the Legislature, shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 354, 355, and 356 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 354, 355, and 356.

GENERAL FILE

LEGISLATIVE BILL 640. Committee AM752, found on page 971 and considered on page 1052, First Session, 2017, was renewed.

Senator Briese renewed his amendment, AM1036, found on page 1067, First Session, 2017, to the committee amendment.

Senator Briese withdrew his amendment.

Senator Friesen offered his amendment, AM1065, found on page 1068, First Session, 2017, to the committee amendment.

Senator Friesen withdrew his amendment.

Senator Chambers offered the following motion:

MO300

Recommit to the Revenue Committee.

Senator Chambers withdrew his motion to recommit to committee.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 993A. Placed on Final Reading.

LEGISLATIVE BILL 1090A. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Thibodeau has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

AMENDMENT(S) - Print in Journal

Senator Riepe filed the following amendment to LB1034:

AM2573

(Amendments to Standing Committee amendments, AM2322)

1 1. On page 55, line 23, after the period insert "If a school-age
2 child care program accepts reimbursement from a state or federal program,
3 the Department of Health and Human Services shall also determine whether
4 the school-age child care program complies with the requirements of the
5 state or federal program for such reimbursement.".

RESOLUTION(S)**LEGISLATIVE RESOLUTION 385.** Introduced by Quick, 35.

WHEREAS, service to others is a hallmark of American character and central to how we meet our challenges; and

WHEREAS, the nation's governments are increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities by educating students for the jobs of the 21st century, fighting the opioid epidemic, responding to natural disasters, and supporting veterans and military families; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with local leaders nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, the National Association of Counties, Cities of Service, and local leaders across the country for National Service Recognition Day on April 3, 2018.

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

1. That the Legislature designates April 3, 2018, as National Service Recognition Day.

2. That Nebraskans are encouraged to recognize the positive impact of national service in our community, to thank those who serve, and to find ways to give back to their communities.

Laid over.

LEGISLATIVE RESOLUTION 386. Introduced by Hilkemann, 4.

PURPOSE: The purpose of this resolution is to examine the impact on state spending as a result of the use of tobacco products in Nebraska. The study shall include, but not be limited to, the following issues:

- (1) To identify an exhaustive list of expenditures by the state as a result of the use of tobacco products;
- (2) To put special emphasis on Medicaid expenditures as a result of the use of tobacco products; and
- (3) To examine the impact of productivity of the state employee workforce as a result of the use of tobacco products.

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

- 1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
- 2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 387. Introduced by Hughes, 44.

PURPOSE: Eastern Redcedar (ERC) is a native tree that has always been a fixture on the Nebraska landscape, providing valuable wood products, wind and soil protection, and habitat for a variety of species of wildlife. However, the rapid spread of ERC presents an increasingly serious ecological and economic issue with substantial impacts statewide. Addressing the spread of ERC poses challenges of a magnitude that dwarf the capacity and resources of any one agency or organization.

It is important to understand the factors behind the rapid spread of ERC, including the lack of fire on the landscape (both prescribed fire and wildfire), changes in farm and grazing practices, lack of prevention management, changes in land ownership patterns, and conservation plantings.

The study committee, at a minimum, shall:

- (1) Specifically identify the current threats of ERC spread;
 - (2) Quantify the potential economic loss caused by the spread of ERC;
 - (3) Quantify the loss of wildlife and critical habitat;
 - (4) Explore whether funding streams already exist in state statute for ERC control;
 - (5) Investigate liability concerns that inhibit prescribed burning; and
 - (6) Obtain public feedback on:
 - (a) The best use of ERC as a windbreak;
 - (b) Whether alternative species exist to satisfy the needs of landowners;
- and
- (c) The cost and challenges of ERC management.

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

- 1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 388. Introduced by Bolz, 29.

PURPOSE: The purpose of this resolution is to examine issues related to updating the Nebraska Advantage Act. Economic growth is vital to the state, and Nebraska has many strengths that allow it to be competitive in a global economy. The goal of the Nebraska Advantage Act has been to encourage new businesses to locate in Nebraska and to retain existing businesses and aid in their expansion, but the December 31, 2020, deadline for new applications is approaching.

The study shall include an examination of the following:

(1) Legislative efforts to encourage new businesses to locate in Nebraska and to retain existing businesses and aid in their expansion; and

(2) Additional opportunities to:

(a) Create incentives to promote the creation and retention of new jobs in the state;

(b) Attract and retain growth in certain industries (generally non-retail) such as large data centers; and

(c) Create better jobs to improve the overall economic health of the state.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 389. Introduced by Bolz, 29.

PURPOSE: The purpose of this resolution is to examine criteria for economic development tools funded by the Legislature. Economic growth is vital to the state, and Nebraska has many strengths that allow it to be competitive in a global economy. Economic development tools funded by the Legislature include, but are not limited to, the Job Training Cash Fund, Site and Building Development Fund, Business Innovation Act, and grants for paid internships pursuant to sections 81-1210.01 to 81-1210.03 of the Nebraska Revised Statutes.

The study shall include, but not be limited to, an examination of legislative opportunities to:

(1) Encourage economic growth and development;

(2) Strengthen Nebraska's workforce; and

(3) Promote the retention of existing jobs.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 390. Introduced by Bolz, 29.

PURPOSE: The Legislature created the Office of Violence Prevention in 2009 in order to develop, foster, promote, and assess violence prevention programs. The purpose of this resolution is to study the success of the Office of Violence Prevention since its establishment, including:

(1) Best practices for violence prevention as assessed by the Office of Violence Prevention;

(2) Opportunities to expand, promote, and develop best practice initiatives to prevent violence in Nebraska;

(3) Opportunities for future growth, efforts, and initiatives to reduce violence statewide; and

(4) The effects of the Office of Violence Prevention on violence over time in Nebraska, as well as a review of the resources and authorities afforded the office to determine their sufficiency.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 15, 2018.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 391. Introduced by Hansen, 26.

PURPOSE: The purpose of this interim study is to study the effects on elections should Nebraska switch to an all vote-by-mail system.

This study shall include, but not be limited to, an examination of the following issues:

(1) The effects on counties and their capacity to implement a vote-by-mail system;

(2) The potential effect on voter turnout, including an analysis of states who have implemented an all vote-by-mail system; and

(3) A cost-benefit analysis of the potential effect an all vote-by-mail system would have on the State of Nebraska.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 392. Introduced by Hansen, 26.

PURPOSE: Neighborhoods across the state face a variety of challenges, and neighborhood and city leaders have expressed a desire for more tools to help promote safe, inclusive, and strong neighborhoods. The purpose of this resolution is to examine neighborhood issues and potential neighborhood improvement tools.

This study shall include, but not be limited to, an examination of the following:

(1) Existing and potential neighborhood improvement policy solutions, including those in other states;

(2) Neighborhood improvement policies which promote community- and resident-driven priorities and outcomes; and

(3) Other issues faced by neighborhoods in Nebraska.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 393. Introduced by Walz, 15.

PURPOSE: The purpose of this resolution is to study delinquent or unpaid school meal accounts in Nebraska schools and school districts. This study shall include, but not be limited to, an examination of the following issues:

(1) The practices and policies of schools and school districts regarding delinquent or unpaid school meal accounts;

(2) The effect of such practices and policies on students and families, including how delinquent or unpaid school meal accounts are demonstrated or communicated to students and families;

(3) The amount or quantity of debt carried by schools and school districts regarding delinquent or unpaid school meal accounts;

(4) The administrative costs associated with addressing delinquent or unpaid school meal accounts;

(5) The manner in which schools and school districts attempt to collect on delinquent or unpaid school meal accounts; and

(6) Any other related topics the study committee deems appropriate.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 394. Introduced by Quick, 35.

PURPOSE: The purpose of this resolution is to examine policies and practices designed to assist low-income Nebraskans at risk of utility shutoffs due to overdue payments. The study shall focus on whether these programs and policies are effectively preventing Nebraskans from losing critical utility services. The study shall include a review of utility companies' formal written policies with respect to shutoffs, other practices employed by utility providers to reduce and prevent shutoffs, and adherence to the state's "cold weather rule."

The study shall include, but not be limited to, the following issues:

(1) The scope and adequacy of regulatory systems governing public and private utility companies;

(2) The application of the cold weather rule in Nebraska; and

(3) Examination of best practices in other states with respect to utility shutoffs, including but not limited to:

(a) Protections that apply to all utility providers, both public and private;

(b) Utilities of all types (i.e., gas, electric, etc.); and

(c) Year-round protections not bound by season or extreme temperatures.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 395. Introduced by Bostelman, 23; Brewer, 43; Briese, 41; Ebke, 32; Erdman, 47; Kolterman, 24; Watermeier, 1.

PURPOSE: The purpose of this resolution is to examine issues to identify the needs of and improve upon the emergency medical services system provided by volunteers in Nebraska.

Residents, workers, and visitors in rural, suburban, and nonurban areas rely almost exclusively on volunteer providers of emergency medical services. Volunteer firefighters and volunteer emergency medical service personnel have provided emergency medical services to their local communities for over a century at only a fraction of the cost to the taxpayers which would have resulted from implementing a system of paid fire departments and paid emergency medical services. Many cities, villages, and rural areas cannot afford the cost of maintaining their current level of emergency medical services without the presence of a local pool of committed and dedicated volunteer firefighters and emergency service personnel.

Nebraska communities which rely on volunteers to provide emergency services are faced with numerous economic and demographic trends and conditions which make the recruitment and retention of qualified volunteers increasingly difficult. As a consequence, some volunteer departments are trying to cope with declining rosters of active volunteers. However, recruiting people to volunteer their time to serve as volunteer emergency medical service personnel is very difficult because there are extensive educational requirements including at least 160 hours of classroom time, plus independent study time. Upon completion of the classwork lasting at least six months, an emergency medical service candidate must pass the National Registry of Emergency Medical Technicians exam in order to obtain a credential to serve as an emergency medical service provider. Many candidates fail to pass the exam making recruitment and retention efforts that much more difficult here in Nebraska.

Nebraska must ensure that volunteer providers of emergency medical services and volunteer firefighters are given the support they need in order to continue to provide emergency medical services in the communities they serve. This study shall include, but not be limited to, an examination of the following issues:

- (1) The expectation and requirements of education and testing to become certified as a volunteer emergency medical service provider;
- (2) The reporting requirement expectations of volunteer emergency medical service personnel after responding to an incident;
- (3) The demographics of Nebraska communities which rely exclusively on volunteer emergency medical services;
- (4) The current number of volunteer emergency medical service personnel and the number of volunteer personnel vacancies within the State of Nebraska;
- (5) The current delivery and possible improvement of emergency medical services instruction and training to volunteer emergency medical service candidates in Nebraska;

(6) The number of emergency medical service providers that have ceased their operations in the last ten years and the mechanisms used by communities to compensate for the loss of local volunteer emergency medical services; and

(7) The mechanisms to be used to address the emergency medical service needs of Nebraska citizens and tourists during the next ten years and into the future.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 396. Introduced by Lowe, 37.

PURPOSE: The purpose of this interim study is to examine possible changes to the School Employees Retirement Act and the Class V School Employees Retirement Act.

The study shall include an examination of defined benefit plans, defined contribution plans, and cash balance plans and an analysis of which type of plan:

- (1) Is the most beneficial to taxpayers;
- (2) Is best able to withstand solvency issues; and
- (3) Is the most beneficial to retirees.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 397. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine the statutory authority for municipalities to establish port authorities. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the current authority of municipalities to establish boards of public docks under sections 13-1401 through 13-1417 of the Nebraska Revised Statutes;

(2) A review of port authority statutes in other states, with an emphasis on non-coastal states; and

(3) A review of the potential benefits to municipalities of establishing port authorities, particularly in cities of the metropolitan class.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 398. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine the impact of sanitary and improvement districts (SIDs) upon annexations by municipalities. The issues addressed by this interim study shall include, but not be limited to:

(1) An examination of the costs to municipalities of annexing an SID, including the cost to provide services to new residents and the cost of assuming SID debt;

(2) An examination of the impact of the use of SIDs on the availability of affordable housing within municipalities; and

(3) An examination of the impact of the use of SIDs on racial and socioeconomic segregation within municipalities.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 399. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine issues related to metropolitan transit authorities. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of sections 14-1801 through 14-1826 of the Nebraska Revised Statutes governing metropolitan transit authorities;

(2) An examination of the potential statutory changes that would be needed to authorize the establishment of a regional transit authority or the establishment of a separate transit authority by a city other than a city of the metropolitan class; and

(3) An examination of the steps that would need to be taken at the federal and state levels to facilitate the transfer of transit assets from a municipality to a regional transit authority or separate transit authority.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 400. Introduced by Quick, 35.

PURPOSE: The purpose of this interim study is to examine issues related to the Nebraska Municipal Land Bank Act. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the effects that vacant, abandoned, and tax-delinquent properties have on Nebraska municipalities, and the role that land banks could play in addressing these effects;

(2) A review of the creation of the Omaha Municipal Land Bank by the City of Omaha, and the impact that the Omaha Municipal Land Bank has had in addressing vacant, abandoned, and tax-delinquent properties in Omaha; and

(3) A review of provisions in the Nebraska Municipal Land Bank Act that are designed to ensure that land banks do not compete with private sector businesses.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 401. Introduced by Ebke, 32; Watermeier, 1.

PURPOSE: The purpose of this study is to identify the lawful occupations and the occupational regulations which are subject to the Occupational Board Reform Act enacted by Legislative Bill 299, One Hundred Fifth Legislature, Second Session, 2018, to prepare forms for the occupational boards and the standing committees of the Legislature to comply with the act, and to otherwise prepare for the implementation of the act.

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

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 989. Placed on General File with amendment. AM2612 is available in the Bill Room.

(Signed) Curt Friesen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 640. Senator Groene offered his amendment, AM2445, found on page 1046, to the committee amendment.

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

Senator Linehan moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The Groene amendment was adopted with 25 ayes, 8 nays, 12 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Baker offered the following motion:

MO301

Bracket until April 18, 2018.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1008. Placed on Select File with amendment.

ER146

1 1. On page 1, strike beginning with "the" in line 1 through line 3
2 and insert "law; to amend sections 37-613 and 57-904, Reissue Revised
3 Statutes of Nebraska, and sections 70-1015 and 81-15,160, Revised
4 Statutes Cumulative Supplement, 2016; to change amounts of certain
5 liquidated damages under the Game Law; to change the compensation of
6 members of the Nebraska Oil and Gas Conservation Commission; to authorize
7 the withholding of certain competitive or proprietary information
8 relating to public power; to change provisions relating to privately
9 developed renewable energy generation facilities; to change a date
10 relating to grants for certain scrap tire projects; to provide a duty for
11 the Revisor of Statutes; to provide operative dates; to repeal the
12 original sections; and to declare an emergency."

LEGISLATIVE BILL 776. Placed on Select File with amendment.

ER147

1 1. In the McCollister amendment, AM2512, on page 1, line 16, after
2 "persons" insert an underscored comma.
3 2. On page 1, line 3, strike "to state findings;"

(Signed) Anna Wishart, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 402. Introduced by Halloran, 33.

PURPOSE: With the increase in school shootings in recent years, the purpose of this resolution is to examine the issue of granting local school boards the authority to allow school employees, including teachers, administrators, and support staff, to carry concealed handguns on school grounds if they have received proper training and are permitholders under the Concealed Handgun Permit Act.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 403. Introduced by Halloran, 33.

PURPOSE: The purpose of this interim study is to examine the enrollment option program described in sections 79-232 to 79-246. The study shall include:

- (1) An examination of the enrollment option program to ascertain whether the program is achieving the desired results for which it was created;
- (2) An examination of the cost-effectiveness of the program;
- (3) An examination of the effects on school districts, including whether some schools have been negatively impacted by the program to the benefit of other school districts; and
- (4) Any recommendations to address the possible inequities to school districts.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 404. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine the potential impact of Opportunity Zones under the federal Tax Cuts and Jobs Act on municipalities in Nebraska. The issues addressed by this interim study shall include, but not be limited to:

- (1) A review of the Nebraska municipalities which include census tracts that were nominated by the Governor for potential designation as an Opportunity Zone by the United States Secretary of the Treasury;
- (2) A review of potentially eligible census tracts within municipalities that were not nominated by the Governor for potential designation as an Opportunity Zone; and
- (3) An examination of the potential economic development impact on municipalities if census tracts within a municipality receive an Opportunity Zone designation.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 405. Introduced by Walz, 15.

PURPOSE: The purpose of this resolution is to study the conditions which lead to the congregation, isolation, and segregation of Nebraskans with mental illness who reside in institutional settings, including assisted-living facilities, and those who are at risk of placement in institutional settings due to a lack of community supports and services.

The study shall include, but not be limited to, an examination of the following:

(1) Whether the Department of Health and Human Services is taking adequate steps to ensure behavioral health services are administered in the most integrated setting pursuant to the Americans with Disabilities Act of 1990;

(2) What steps the department has taken to advance the recommendations proposed by the Technical Assistance Collaborative as a consultant to the department, including permanent supportive housing;

(3) The effectiveness of the department in administering its behavioral health services through the behavioral health regions;

(4) The need for statutory changes to the Nebraska Behavioral Health Services Act in order to address the role of the regions, including, but not limited to, how a region identifies and communicates its services to individuals who are not clients of the region, including in-reach to people with severe and persistent mental illness who reside in institutional settings, and a region's role in protecting the health and safety of such individuals;

(5) The lack of adequate conditions in assisted-living facilities where people with mental illness reside;

(6) The effectiveness of statutes, regulations, and licensure requirements administered by the Division of Public Health of the Department of Health and Human Services in providing oversight of and protecting the health and safety of people with mental illness who reside in such facilities;

(7) Whether the existing Medicaid state plan or waiver services are sufficient to meet the service needs of individuals in the most integrated settings possible, including the possible adoption of the Medicaid 1115 waiver; and

(8) Successful models and programs implemented in other states that have addressed the issues identified in this resolution.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 406. Introduced by Morfeld, 46.

PURPOSE: In 2016, Nebraska voters reinstated capital punishment in this state. As such, it is imperative that the state ensures its capital defense systems and stakeholders are meeting best practices for capital defense to ensure that the rights of the accused are upheld and to minimize liability for the counties and the state regarding ineffective assistance of counsel claims and other issues.

Several other death penalty states such as Alabama, Arizona, Georgia, Louisiana, Nevada, Ohio, Oregon, and Texas have explored and implemented the American Bar Association's Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases.

The purpose of this resolution is to examine the feasibility of adopting these standards in Nebraska and to identify and evaluate other considerations related to capital defense costs, tools, personnel, best practices, mitigation, training, and support for possible legislation or appropriations. The issues examined in this study shall include, but not be limited to:

- (1) An exploration of the current capital defense system in Nebraska;
- (2) An exploration of the American Bar Association's Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases;
- (3) An exploration of the process utilized by other death penalty states to convene stakeholders, adopt these guidelines, ensure adequate appropriations to support these guidelines, and ensure capital defense systems are meeting best practices; and
- (4) An exploration of any other legal or policy issues related to ensuring the capital defense system is meeting best practices as appropriate.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 407. Introduced by Morfeld, 46.

PURPOSE: The State Records Board oversees and manages electronic access to state government information, including a contract with a network manager to provide for electronic access to public records. Since legislation was enacted in 1996, this self-funded model has led to the development and management of technology to allow citizens electronic access to government information and services without the use of any up-front expenditures from the state. The purpose of this resolution is to examine the self-funded model and the steps necessary to ensure its continued success in providing Nebraskans electronic access to government records and documents.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 408. Introduced by Morfeld, 46.

PURPOSE: The purpose of this interim study is to examine resources available to the state and political subdivisions to fund roads. The issues to be addressed by this interim study shall include, but not be limited to:

(1) An examination of the costs associated with building and maintaining roads;

(2) A review of the funding needs;

(3) A review of current funding sources; and

(4) A review of past legislative efforts to address roads funding and whether those efforts have met intended expectations.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB738.
Senator Morfeld name added to LB738.
Senator Lowe name added to LB845.

VISITORS

Visitors to the Chamber were 10 twelfth-grade students and teacher from Sutherland; 13 members of the Leadership Bellevue 2018 class; 54 fourth-grade students from St. Columbkille Catholic School, Papillion; 6 twelfth-grade students and teachers from Spalding Academy; 14 eleventh- and twelfth-grade students and teacher from Papillion/La Vista; 52 fourth-grade students from Fort Calhoun Elementary; 4 members of Norfolk Youth Leadership Council; 7 First National Bank of Omaha Management Trainees; members of the Nebraska Chapters of Delta Sigma Theta Sorority Incorporated from Lincoln and Omaha; and 82 fourth-grade students from Pine Creek Elementary, Bennington.

RECESS

At 11:54 a.m., on a motion by Senator Vargas, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Blood, Bolz, Larson, Pansing Brooks, Thibodeau, Watermeier, Wayne, and Wishart who were excused until they arrive.

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 793. Placed on General File.

LEGISLATIVE BILL 794. Placed on General File with amendment.
AM2000

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 38-1086, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 38-1086 In order to maintain its license in good standing, each

6 salon shall operate in accordance with the following requirements:

- 7 (1) The salon shall at all times comply with all applicable
8 provisions of the Cosmetology, Electrology, Esthetics, Nail Technology,
9 and Body Art Practice Act and all rules and regulations adopted and
10 promulgated under such act;
- 11 (2) The salon owner or his or her agent shall notify the department
12 at least thirty days prior to any change of ownership, name, or address,
13 and within one week if a salon is permanently closed, except in emergency
14 circumstances as determined by the department;
- 15 (3) No salon shall permit any unlicensed or unregistered person to
16 perform any of the practices of cosmetology within its confines or
17 employment;
- 18 (4) The salon shall display a name upon, over, or near the entrance
19 door distinguishing it as a salon;
- 20 (5) The salon shall permit any duly authorized agent of the
21 department to conduct an operation inspection or investigation at any
22 time during the normal operating hours of the salon, without prior
23 notice, and the owner and manager shall assist the inspector by providing
24 access to all areas of the salon, all personnel, and all records
25 requested by the inspector;
- 26 (6) The salon shall display in a conspicuous place the following
27 records:
 - 1 (a) The current license or certificate of consideration to operate a
2 salon;
 - 3 (b) The current licenses or registrations of all persons employed by
4 or working in the salon; and
 - 5 (c) The rating sheet from the most recent operation inspection;
- 6 (7) At no time shall a salon employ more employees than permitted by
7 the square footage requirements of the Cosmetology, Electrology,
8 Esthetics, Nail Technology, and Body Art Practice Act; and
- 9 (8) The salon shall not knowingly permit its employees ~~or clients~~ to
10 use, ~~or consume, serve, or in any manner possess or distribute~~
11 intoxicating beverages ~~or controlled substances~~ upon its premises.
12 Sec. 2. Section 38-10,142, Reissue Revised Statutes of Nebraska, is
13 amended to read:
14 38-10,142 In order to maintain its license in good standing, each
15 nail technology salon shall operate in accordance with the following
16 requirements:
 - 17 (1) The nail technology salon shall at all times comply with all
18 applicable provisions of the Cosmetology, Electrology, Esthetics, Nail
19 Technology, and Body Art Practice Act and all rules and regulations
20 adopted and promulgated under such act;
 - 21 (2) The nail technology salon owner or his or her agent shall notify
22 the department at least thirty days prior to any change of ownership,
23 name, or address, and at least one week prior to closure, except in
24 emergency circumstances as determined by the department;
 - 25 (3) No nail technology salon shall permit any unlicensed or
26 unregistered person to perform any of the practices of nail technology
27 within its confines or employment;

28 (4) The nail technology salon shall display a name upon, over, or
 29 near the entrance door distinguishing it as a nail technology salon;
 30 (5) The nail technology salon shall permit any duly authorized agent
 31 of the department to conduct an operation inspection or investigation at
 1 any time during the normal operating hours of the nail technology salon,
 2 without prior notice, and the owner and manager shall assist the
 3 inspector by providing access to all areas of the nail technology salon,
 4 all personnel, and all records requested by the inspector;
 5 (6) The nail technology salon shall display in a conspicuous place
 6 the following records:
 7 (a) The current license or certificate of consideration to operate a
 8 nail technology salon;
 9 (b) The current licenses or registrations of all persons employed by
 10 or working in the nail technology salon; and
 11 (c) The rating sheet from the most recent operation inspection;
 12 (7) At no time shall a nail technology salon employ more employees
 13 than permitted by the square footage requirements of the act; and
 14 (8) The nail technology salon shall not knowingly permit its
 15 employees or clients to use, or consume, serve, or in any manner possess
 16 or distribute intoxicating beverages or controlled substances upon its
 17 premises.
 18 Sec. 3. Original sections 38-1086 and 38-10,142, Reissue Revised
 19 Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 1042. Placed on General File with amendment.
 AM1732

1 1. Strike original section 8.
 2 2. On page 2, line 29, strike ", as set by the board" and show as
 3 stricken.
 4 3. On page 3, line 1; and page 4, lines 10 and 22, strike ", as set
 5 by the board," and show as stricken.
 6 4. On page 7, line 20, strike "rules", show as stricken, and insert
 7 "catalog, handbook, and policies"; and in lines 29 through 31 reinstate
 8 the stricken matter.
 9 5. On page 12, line 24, strike "in Nebraska" and show as stricken.
 10 6. On page 13, line 2, strike "three" and insert "two"; and in line
 11 6 strike "38-10,147,".
 12 7. Renumber the remaining sections accordingly.

(Signed) Merv Riepe, Chairperson

Education

LEGISLATIVE BILL 1103. Placed on General File.

(Signed) Mike Groene, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 409. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 26; Howard, 9; Larson, 40; Quick, 35; Riepe, 12.

PURPOSE: The purpose of this interim study is to examine issues related to the disconnection of territory from the corporate limits of cities of the first class, cities of the second class, and villages. The issues addressed by this interim study shall include a comparison of the statutory authority for the disconnection of property from cities of the first class under section 16-129 of the Nebraska Revised Statutes and cities of the second class and villages under section 17-414 of the Nebraska Revised Statutes.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 410. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 26; Howard, 9; Larson, 40; Quick, 35; Riepe, 12.

PURPOSE: The purpose of this interim study is to examine issues related to the municipal regulation of railroads. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of language in Chapters 14 through 19 of the Nebraska Revised Statutes that potentially authorizes municipalities to regulate railroads; and

(2) An examination of relevant case law regarding the preemption of state and local regulation of railroads under the Interstate Commerce Commission Termination Act of 1995 and other federal law.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 411. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 26; Howard, 9; Larson, 40; Quick, 35; Riepe, 12.

PURPOSE: The purpose of this resolution is to examine any issues within the jurisdiction of the Urban Affairs Committee of the Legislature that may arise during the interim.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 412. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 26; Howard, 9; Larson, 40; Quick, 35; Riepe, 12.

PURPOSE: The purpose of this interim study is to examine the statutes governing cities of the primary class in Chapter 15 of Nebraska Revised Statutes. The goal of the study shall be to update and modernize statutes through the elimination of obsolete, antiquated, and duplicate statutory language.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 413. Introduced by Lindstrom, 18.

PURPOSE: The purpose of this resolution is to study strategies to strengthen Nebraska's workforce and build financial mobility and independence, particularly among working parents with young children. This resolution will examine structural barriers to financial independence in public work support programs. Such barriers exist when income eligibility levels for work supports force Nebraskans to choose between increased wages or hours and a loss of benefits.

The study shall include, but not be limited to the following:

(1) An examination of current state-funded work supports offered by the Department of Health and Human Services to assist working parents with child care affordability;

(2) Estimates of the cost of raising a family in Nebraska, disaggregated to reflect geography or rurality, family type, and ages of children, to the degree possible;

(3) An analysis of the incongruity between the cost of raising a family and current eligibility levels for state-funded child care assistance to ensure full employment among working parents;

(4) The identification of options available to the state to more effectively leverage federal funding to improve the effectiveness of child care assistance programs in ways that support families attempting to successfully transition off such programs;

(5) Information from the Department of Health and Human Services regarding full utilization of federal funds toward increasing access and quality for child care assistance, including plans for the anticipated increase in Child Care and Development Block Grant (CCDBG) funds for federal fiscal years 2018 and 2019, and the status of unspent federal Temporary Assistance for Needy Family (TANF) funds that are in excess of necessary reserves; and

(6) An examination of policies and regulations that adequately align child care subsidy eligibility levels with the cost of raising a family in other states or jurisdictions.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 414. Introduced by Erdman, 47; Linehan, 39.

PURPOSE: The purpose of this resolution is to examine the overall impact of the area agencies on aging and their interaction with the Aging and Disability Resource Center (ADRC). Nebraska has eight area agencies on aging across the state that are funded by the Legislature and by Title XX of the federal Social Security Act. There are three ADRC pilot sites that were established pursuant to Legislative Bill 320 adopted in 2015.

The study shall examine the coordination of the area agencies on aging and the pilot sites in both the rural and urban areas of Nebraska to determine if services are duplicative and if funding is necessary.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 415. Introduced by Hansen, 26.

PURPOSE: The purpose of this resolution is to examine the effectiveness of section 29-901 of the Nebraska Revised Statutes, as relates to the imposition of bail and the requiring of money bonds for misdemeanors and city ordinance violations. The study shall include, but not be limited to, an examination of the following issues:

(1) The current statutory scheme relating to money bonds for all crimes, and particularly minor misdemeanors and violations of city ordinances;

(2) The number of individuals held in local jails on money bonds for misdemeanors;

(3) The costs to counties to detain and house pretrial detainees for misdemeanors;

(4) The feasibility of alternatives to money bonds for misdemeanors and the consequences or risks to public safety of eliminating money bonds;

(5) An examination and consideration of changes that would permit indigent pretrial detainees to avoid unnecessary and costly county jail stays; and

(6) A review of Nebraska statutes to determine changes needed to reform bail for misdemeanors.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 738. Title read. Considered.

Committee AM1789, found on page 1042, was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 738A. Title read. Considered.

Senator Lindstrom offered the following amendment:

AM2693

1 1. On page 2, line 2, strike "FY2018-19" and insert "FY2019-20".

The Lindstrom amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 845. Title read. Considered.

Committee AM2353, found on page 984, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)
Nebraska Retirement Systems

LEGISLATIVE BILL 548. Placed on General File with amendment. AM2595 is available in the Bill Room.

(Signed) Mark Kolterman, Chairperson

AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to LB994:

AM2685

(Amendments to Standing Committee amendments, AM2358)

1 1. Strike sections 6, 7, 8, 10, 11, and 12 and insert the following

2 new sections:

3 Sec. 6. Section 77-2704.51, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 77-2704.51 Sales and use taxes shall not be imposed on the gross

6 receipts from the sale, lease, or rental of and the storage, use, or

7 other consumption in this state of:

8 (1) Telecommunications sales of telecommunications service between

9 telecommunications companies, including division of revenue, settlements,

10 or carrier access charges; or -

11 (2) Dark fiber as defined in section 86-574 between

12 telecommunications companies.

13 Sec. 8. Sections 1, 2, 3, 4, 5, 7, and 9 of this act become

14 operative on July 1, 2018. Sections 6 and 10 of this act become operative

15 on October 1, 2018. The other sections become operative on their

16 effective date.

- 17 Sec. 9. Original section 86-579, Reissue Revised Statutes of
18 Nebraska, is repealed.
- 19 Sec. 10. Original section 77-2704.51, Reissue Revised Statutes of
20 Nebraska, is repealed.
- 21 2. On page 2, line 7, after the comma insert "a representative of
22 health care providers,"; and in line 28 strike "advertised".
- 23 3. On page 3, line 1, after "residents" insert "and any effect of
24 the fund in deterring or delaying capital formation, broadband
25 competition, and broadband deployment".
- 26 4. On page 5, line 15, strike "in" and insert "only for".
- 1 5. Renumber the remaining sections accordingly.

Senator Friesen filed the following amendment to LB909:
AM2647 is available in the Bill Room.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 416. Introduced by McCollister, 20.

PURPOSE: The purpose of this study is to examine which advertising practices should be considered unlawful acts under the Weights and Measures Act in section 89-197. The study shall include, but not be limited to, the following issues:

- (1) What pricing structures are unfair or deceptive practices in the advertising of retail motor fuel;
- (2) From an unfair and deceptive practices perspective, the acts or practices that are likely to result in substantial injury to consumers, cannot be reasonably avoided by consumers, and are not outweighed by countervailing benefits to consumers or to competition;
- (3) What constitutes an act or practice that is deceptive where (a) a representation, omission, or practice misleads or is likely to mislead the consumer, (b) a consumer's interpretation of the representation, omission, or practice is considered reasonable under the circumstances, and (c) the misleading representation, omission, or practice is material; and
- (4) Whether or not certain pricing practices violate other areas of consumer protection laws or regulations.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 417. Introduced by McCollister, 20.

PURPOSE: The purpose of this interim study is to examine whether inmates in county jails, who are eligible to vote, are being unconstitutionally disenfranchised due to their circumstances.

This study shall include, but not be limited to, an examination of the following issues:

- (1) A review of existing county jail procedures for individuals who wish to exercise their right to vote while incarcerated;
- (2) Potential solutions and the cost to ensure access to the right to vote for the thousands of individuals who are housed in county jails during elections; and
- (3) Other possible alternatives, such as installing ballot drop boxes at county jails or designating some county jails as vote centers during elections.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 418. Introduced by Howard, 9.

PURPOSE: The purpose of this resolution is to study the disproportionality that exists in Nebraska's foster care and juvenile justice systems. Despite the promise of equal protection under the law, there have been continued racial and ethnic disparities in the foster care and juvenile justice systems for youth of color, especially for youth and families who are Native American, African American, or Latino. Based on population size, there is a significantly disproportionate percentage of youth and families of color involved with the foster care and juvenile justice systems. This interim study shall include, but not be limited to:

- (1) Input from a diverse group of community members of color, including Nebraska's four federally recognized Indian tribes and others whose lives have been affected by the foster care and juvenile justice systems, to create an action plan for reducing disproportionality;
- (2) Assessment of a formal body or task force to lead this work and advise the Legislature, the Department of Health and Human Services, the Office of Probation Administration, and the Office of Juvenile Services on recommended policy and practice reform;
- (3) Assessment of current data limitations, including inconsistencies in data collection, on the race and ethnicity of children and families involved in the foster care and juvenile justice systems;

(4) Determination of needs for reporting from the Department of Health and Human Services, the Office of Probation Administration, and the Office of Juvenile Services to be shared with the Legislature;

(5) Review of specific procedures that may be contributing to the current disproportionality;

(6) Research on racial disproportionality within the context of known risk factors for system involvement, such as household poverty, and protective factors, such as the availability of community-based prevention services; and

(7) Research on model policies that offer a systemic approach to racial disproportionality in the foster care and juvenile justice systems.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 419. Introduced by Howard, 9.

PURPOSE: The purpose of this study is to examine the term "shaken baby syndrome" as it exists within the Nebraska statutes. Shaken baby syndrome is a term often used by physicians and the public to describe abusive head trauma inflicted on infants and young children. Although the term is well-known and has been used for a number of decades, advances in the understanding of the mechanisms and clinical spectrum of injury associated with abusive head trauma compel us to modify our terminology to keep pace with our understanding of pathologic mechanisms. Although shaking an infant has the potential to cause neurologic injury, blunt impact or a combination of shaking and blunt impact cause injury as well. The use of broad medical terminology that is inclusive of all mechanisms of injury, including shaking, is required. The American Academy of Pediatrics recommends that pediatricians develop skills in the recognition of signs and symptoms of abusive head injury, including those caused by both shaking and blunt impact, consult with pediatric subspecialists when necessary, and embrace a less mechanistic term, "abusive head trauma," when describing an inflicted injury to the head and its contents. This interim study shall include:

(1) A comprehensive review of the Nebraska statutes to identify references to shaken baby syndrome that could be changed to the recommended terminology of abusive head trauma; and

(2) Identifying other similar terms within the accompanying statutes that could be changed to reflect current recommendations.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 420. Introduced by Riepe, 12; Erdman, 47; Groene, 42; Linehan, 39.

PURPOSE: The purpose of this resolution is to examine possible collaboration between the Department of Health and Human Services and the State Department of Education to address behavioral or mental health issues for Nebraska students. The issues addressed by this study shall include, but not be limited to, the following:

(1) Parameter and effectiveness of "System of Care," a program by the Division of Behavioral Health of the Department of Health and Human Services, which is a framework for designing mental health services and supports for children and youth who have a serious emotional disturbance, and their families, through a collaboration across and involving public and private agencies, families, and youth;

(2) Efforts conducted by school-based centers and school-based providers; and

(3) Mental and behavioral health services provided by educational service units.

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

1. That the Health and Human Services Committee of the Legislature, in consultation with the Education Committee of the Legislature, shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature on or before December 31, 2018.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 841. Title read. Considered.

Committee AM2092, found on page 816, was offered.

Senator Ebke offered the amendment, AM2634, found in this day's Journal, to the committee amendment.

The Ebke amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Geist offered the following amendment to the committee amendment:

AM2697

(Amendments to AM2634)

1 1. On page 24, line 31, strike "shall" and insert "may".

SPEAKER SCHEER PRESIDING

Senator Geist withdrew her amendment.

Senator Chambers offered the following motion:

MO302

Recommit to the Judiciary Committee.

SENATOR WILLIAMS PRESIDING

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 421. Introduced by Kolterman, 24.

PURPOSE: The Housing and Recreational Vehicle Department of the Public Service Commission operates programs designed to protect the health and safety of occupants in manufactured homes, modular housing units, and recreational vehicles. The department enforces health and safety and building standards through plan reviews, during inspections at manufacturing facilities and retail lots, and in response to consumer complaints.

This study shall examine:

- (1) The current fees charged by the department for inspections, plan reviews, and other department services and functions;
- (2) The actual cost to the department of conducting inspections, plan reviews, and other department services;
- (3) The total expenses of operating the department; and
- (4) A comparison of costs for similar state and federal programs.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 422. Introduced by Kolterman, 24; Howard, 9.

PURPOSE: The purpose of this resolution is to study the issuance and usage of electronic prescriptions in accordance with regulatory standards.

The study shall include, but not be limited to, an examination of the following:

- (1) The feasibility of requiring prescribers to use electronic prescriptions;
- (2) Best practices for prescribers and dispensers regarding electronic prescriptions; and
- (3) Any considerations relevant to providing exceptions to a requirement for electronic prescriptions.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 423. Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to examine the application of adverse possession in the State of Nebraska and to consider recommendations for modernizing this doctrine to meet contemporary requirements. The study shall include, but not be limited to, an examination of the following issues:

- (1) The frequency with which adverse possession is applied;
- (2) Any modern trends in the use and application of adverse possession;
- (3) Whether payment of property tax should be included as a sixth element required to prove adverse possession;
- (4) Whether the trespasser should be required to pay property taxes on the relevant parcel during all or a portion of the continuous period of use;
- (5) Whether continued and active payment of property taxes on the relevant parcel is an indication that the record owner is aware of ownership and actively maintaining this investment;
- (6) Whether a record owner who in good faith pays all taxes due on his or her property should be compensated for those payments when that parcel is lost to a claim of adverse possession; and

(7) Recommendations for modernizing the doctrine of adverse possession to better serve contemporary applications.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 424. Introduced by Friesen, 34.

PURPOSE: The purpose of this resolution is to examine a comprehensive list of issues related to the operation of autonomous vehicles in Nebraska. Issues to be examined shall include, but not be limited to:

- (1) Automated vehicle classifications;
- (2) Testing of automated vehicles;
- (3) Automated vehicle registration, titling, and branding;
- (4) Financial responsibility;
- (5) Federal Motor Vehicle Safety Standards;
- (6) The role of a driver and of the passengers or occupants in an autonomous vehicle;
- (7) Operator license requirements for testing and deployment of autonomous vehicles;
- (8) Training for consumers, examiners, driver education instructors, and driver schools;
- (9) Endorsements and restrictions;
- (10) Crash and incident reporting;
- (11) Autonomous vehicle use in criminal activity;
- (12) Distracted driving;
- (13) Establishment of legal responsibility for enforcement actions;
- (14) First responder safety and autonomous vehicle response to emergency vehicles;
- (15) Manual traffic controls and extraordinary road conditions;
- (16) Access to autonomous vehicle electronic data for investigatory purposes;
- (17) Autonomous vehicle identification;
- (18) Autonomous vehicle conformance to the Nebraska Rules of the Road;
- (19) Autonomous commercial motor vehicles;
- (20) Autonomous vehicles operated by transportation network companies;
- (21) Data privacy and security;
- (22) Cybersecurity;
- (23) Highway and other infrastructure utilized by autonomous vehicles;
- (24) Imported and exported autonomous vehicles;
- (25) Autonomous vehicle upfitter regulation; and
- (26) Autonomous vehicle platooning.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 425. Introduced by Friesen, 34.

PURPOSE: The purpose of this resolution is to investigate and review matters and issues arising during the interim which are within the jurisdiction of the Transportation and Telecommunications Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 426. Introduced by Friesen, 34.

PURPOSE: The purpose of this interim study is to examine issues raised by the introduction of Legislative Bill 1031 during the 2018 legislative session and to examine whether the One-Call Notification System Act should be updated. In order to carry out the purpose of this resolution, the study committee should seek the assistance and input of large project developers, parties who were impacted by large project location costs, the board of directors of the statewide one-call notification center, the State Fire Marshal, the Attorney General, members of the underground construction industry, operators of underground utility facilities, and other parties, agencies, or political subdivisions who would be impacted by changes in the One-Call Notification System Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 427. Introduced by Friesen, 34.

PURPOSE: The purpose of this interim study is to investigate transferring the recreational vehicles franchise statutes into a distinct and separate section of law. Currently, Nebraska is the only state that includes recreational vehicles mixed in the same statutes with manufactured homes. Motorhomes, travel trailers, fifth-wheel trailers, park model recreational vehicles, and folding camping trailers are vehicles, not homes or dwellings. Manufactured homes are dwellings. Thus far, eighteen states have adopted a method of centralizing recreational vehicle laws to ensure that the industry and consumers have clarity moving forward.

The study committee shall work in conjunction with interested entities including, but not limited to, the Department of Motor Vehicles, the Nebraska New Car and Truck Dealers Association, recreational vehicle dealers, the Recreational Vehicle Industry Association, manufactured home manufacturers, and any other pertinent parties interested in working toward separating the regulation and franchise of recreational vehicles from the regulation of manufactured homes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 428. Introduced by Pansing Brooks, 28.

PURPOSE: The purpose of this interim study is to examine the potential of micro-credentialing in Nebraska, including the potential impact on professional development, demonstrable student outcomes, and salary advancement. This study shall include, but not be limited to:

(1) A review of what other states are doing to integrate micro-credentialing into professional development;

(2) A review of the latest research on micro-credentialing and its potential impact on student outcomes;

(3) An examination of how to ensure the development of rigorous, reputable micro-credentials;

(4) A review of potential barriers to utilizing micro-credentials;

- (5) The potential for micro-credentials to impact salary advancement; and
- (6) A review of the role of the State Department of Education in the development and utilization of micro-credentialing and the potential application in recertification.

Research has shown that teaching quality and school leadership are the most important factors in raising student achievement. For teachers and school and district leaders to be as effective as possible, they need to continually expand their knowledge and skills. Effective professional learning is personalized, self-directed, competency-based, job-embedded, practical, and focused on the skills educators need to address students' major learning challenges. Annually, \$2.6 billion in federal funding is spent on professional development for educators. In addition, school districts spend up to \$18,000 per educator on professional development. Yet only twenty-nine percent of teachers feel that they have the professional development that they need to support student achievement.

More than a decade ago, Linda Darling-Hammond and her colleagues revealed that most professional learning experiences in the United States are not adequately preparing teachers to make changes in their classrooms (Darling-Hammond, Wei, Andree, Richardson, and Orphanos, 2009). Still, the traditional method of professional development has remained largely unchanged and often relies on short, one-size-fits-all workshops without ongoing and job-embedded aspects that support the impact in the classroom. Micro-credentials provide an opportunity for educators to engage in rigorous, self-paced, job-embedded professional learning that is connected to the daily skills teachers need in their classrooms. This new wave in professional learning provides a way for teachers to earn recognition for the skills they acquire through formal and informal learning opportunities, to personalize their professional learning to meet their needs, and to take what they learn and apply it to their classrooms.

Micro-credentials focus on evidence of skills and abilities, not seat time. Teachers select which micro-credential to pursue and identify the specific activities that will support them in developing the competency. Micro-credentials, available on demand, are responsive to teachers' schedules and are sharable as portable currency for professional learning that educators can take with them no matter where they go. A micro-credential is a certification indicating demonstrated competency in a specific skill. Micro-credentials are a natural extension of an educator's professional learning journey. Educators engage in both formal and informal professional learning activities but are rarely recognized for their informal learning. Micro-credentials recognize that informal learning.

Micro-credentials are:

- (1) Competency-based: Micro-credentials allow educators to focus on a discrete skill related to their practice, such as checking for student understanding, and collect the evidence, such as classroom videos or student work, to demonstrate ability in that specific skill;

- (2) On demand: Through an agile online platform that clearly identifies each micro-credential's competency and required evidence, educators can start and continue the process of earning micro-credentials on their own time;

(3) Personalized: Because educators are able to select the micro-credentials they wish to earn, they can create their own professional learning journey aligned to their specific student needs and school-wide instructional goals; and

(4) Shareable: Once educators earn micro-credentials, they can display the digital badges to signal their demonstrated competence wherever their professional journey might take them.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 429. Introduced by Pansing Brooks, 28.

PURPOSE: In recent years, an increasing number of public schools have arranged to have law enforcement officers serve as school resource officers. School resource officers (SROs) are assigned to and work in the schools, often on a full-time basis. SROs may have daily authority over students, even in situations that have traditionally been seen as everyday disciplinary matters subject to the school code of conduct. SROs may also be regarded as mentors and used as classroom presenters. In some respects, SROs are more than law enforcement, while still maintaining the power and authority of law enforcement officers.

The "school-to-prison pipeline" describes the process by which students are excluded from schools and pushed into the court system, often for non-criminal behaviors. Nationally, the rise of policing in schools is closely linked to an over-reliance on arrest and court processing to respond to normal adolescent behaviors. The purpose of this resolution is to examine the role and purpose of SROs in Nebraska, and whether, and to what extent, the interplay between law enforcement and education is contributing to our burgeoning state juvenile justice system.

The study shall include investigation and consideration of the following:

(1) School district policies regarding the limits and uses of law enforcement authority in schools, including a review of any standard responsibilities or job duties for SROs;

(2) Data relevant to considering whether and how law enforcement authority in Nebraska schools relates to juvenile court involvement, including:

(a) The number of SROs in districts and schools in Nebraska;

(b) The number of students cited or arrested at school or school-sponsored activities by SROs, and the types of charges;

(c) An analysis of SRO-student interactions disaggregated by demographic indicators such as race, ethnicity, gender, grade level, and whether the student has an identified disability; and

(d) The number and severity of charges filed in juvenile court related to school behavior;

(3) National best practices regarding the role of SROs and opportunities for SRO training that is trauma-informed and responsive to adolescent development; and

(4) A review of relevant Nebraska law to determine whether current statutes or statutory interpretation may contribute to the school-to-prison pipeline.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 430. Introduced by Bolz, 29.

PURPOSE: The purpose of this resolution is to examine the federal Family First Prevention Services Act of 2017 (the Act) and its implementation in Nebraska. The Act was passed by the United States Congress and signed into law by President Trump on February 9, 2018, as part of Division E in the Bipartisan Budget Act of 2018.

The Act represents a significant change in the manner in which the federal government provides funding for services for children and families. The Act redirects federal funds to provide services to keep children safely with their families and out of foster care, and, when foster care is needed, allows federal reimbursement for care in family-based settings and certain residential treatment programs.

Among other things, the Act includes provisions that: (1) Permit federal funding for prevention services for children at risk of entering foster care at the option of the state; (2) limit federal funding to children in foster family homes and qualified residential treatment programs, special treatment settings for pregnant and parenting teens, youth eighteen years and older preparing to transition from foster care to adulthood, and youth who are found to be or are at risk of becoming sex trafficking victims; (3) provide federal investments in evidence-based kinship navigator programs and family reunification services; (4) require states to review foster care licensing standards and compare them to federally identified model licensing standards; (5) require states to track and prevent child maltreatment fatalities; (6) extend John H. Chafee Foster Care Independence Program services to assist former foster youth up to age twenty-three and eligibility for education and training vouchers for such youth up to age

twenty-six; and (7) establish an electronic case-processing system to expedite interstate placement of children.

The study shall examine the status of the implementation of the Act in Nebraska, including changes to the Department of Health and Human Services' state plan, policies, and procedures and whether any changes should be made to current state law in accordance with the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 431. Introduced by Albrecht, 17.

PURPOSE: The purpose of this study is to:

(1) Analyze and review reimbursement rates for ambulatory surgical centers and outpatient hospitals with respect to the provision of workers' compensation services in Nebraska; and

(2) Analyze and review whether Nebraska's current workers' compensation law properly incentivizes injured workers to, when possible, utilize the most cost-effective care setting between ambulatory surgical centers and outpatient hospitals.

The intent of this study is to:

(1) Determine the effectiveness of current billing and reimbursement methods;

(2) Examine the potential benefits of adding such methods to existing fee schedules for other medical service providers under the Nebraska Workers' Compensation Act; and

(3) Examine potential changes that would properly incentivize cost-effective care treatments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 432. Introduced by Hansen, 26.

PURPOSE: The purpose of this resolution is to examine issues faced by the two hundred thirty-four thousand renters in Nebraska, who represent thirty-four percent of Nebraska households.

This study shall include, but not be limited to, an examination of the following issues:

(1) State law and current landlord practices regarding rental deposits and fees and how those fees affect renters;

(2) Responsibilities of landlords under current law and options available to renters for recourse when rights are violated, including when families are faced with eviction; and

(3) Other issues faced by renters in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 433. Introduced by Hansen, 26.

PURPOSE: The purpose of this resolution is to evaluate the availability of affordable housing in Nebraska municipalities, with an emphasis on rental housing. Renters represent thirty-four percent of Nebraska households and typically spend a much higher proportion of their income on housing than homeowners.

This study shall include, but not be limited to:

(1) A review of existing state and municipal programs that could be used to address the availability of affordable housing;

(2) An examination of existing and potential solutions to the high proportion of income renters spend on housing; and

(3) A review of tools used to address the availability of affordable housing in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 434. Introduced by Linehan, 39.

PURPOSE: The purpose of this resolution is to study school structure and finance. The study shall include, but not be limited to:

- (1) Research on public school structure in other states;
- (2) Research on how other states pay for K-12 education; and
- (3) Comparison of Nebraska's education benefit packages, including retirement benefits, and the education benefit packages of other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 435. Introduced by McDonnell, 5; Brewer, 43.

PURPOSE: The purpose of this resolution is to review how the Nebraska State Patrol conducts internal affairs investigations into potential civil and criminal violations of its members.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 436. Introduced by Crawford, 45; Blood, 3; Morfeld, 46.

PURPOSE: The purpose of this resolution is to evaluate the effectiveness of occupational licensing processes in accommodating military spouses and transitioning service members. This includes progress in providing transitioning service members with credit towards occupational licenses based on military training, education, and experience pursuant to Nebraska Revised Statute 38-1,141. The study shall include, but not be limited to, an examination of the following issues:

- (1) The number of transitioning service members who apply to each Department of Health and Human Services licensing board, or to the Department of Health and Human Services where no board exists, for an

occupational license and whether such applicants have military training, education, or experience applied toward their licensure requirements pursuant to Nebraska Revised Statute 38-1,141;

(2) The rate of denial for transitioning service members and military spouses who apply for occupational licenses with each licensing board, or to the Department of Health and Human Services where no board exists, and the reasons for such denials;

(3) The processing time for occupational license applications submitted by transitioning service members and military spouses and the average processing time for all applications for each licensing board, or for the Department of Health and Human Services where no board exists;

(4) Whether the web sites of each licensing board, or of the Department of Health and Human Services where no board exists, prominently display information about accommodations for transitioning service members and military spouses including information on applying military training, education, and experience toward licensure requirements and transferring a license due to relocation;

(5) Whether educational materials are disseminated to help occupational licensing staff improve their understanding of state legislation regarding the application of military training, education, and experience toward licensure and the portability of military spouse licensure;

(6) Whether licensure applications of each licensing board, or of the Department of Health and Human Services where no board exists, include questions that inquire about military status; and

(7) Whether existing laws and processes effectively address the challenges that transitioning service members and military spouses face when applying for occupational licenses upon discharge from military service or relocating to the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 437. Introduced by Hilgers, 21.

PURPOSE: The purpose of this resolution is to fully and comprehensively analyze possible improvements and changes to the standing committee system. The Rules Committee of the Legislature convenes to hear proposed rules submitted by members of the Legislature. The Rules Committee also met during the interim prior to the Second Session of the One Hundred Fifth Legislature and submitted a report to the Legislature regarding its findings. The Rules Committee unanimously voted to conduct an interim study during

2018 to further develop specific proposals for consideration by the One Hundred Sixth Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a select interim committee of the Legislature be designated to carry out the purposes of this resolution. The select interim committee shall be composed of the members of the Rules Committee of the Legislature, the Speaker of the Legislature, and two members of each congressional district selected by the Executive Board of the Legislative Council.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 438. Introduced by Walz, 15.

PURPOSE: The purpose of this resolution is to examine the benefits of the creation of an educational trust fund. The study shall include, but not be limited to, an examination of the following:

(1) The impact that an educational trust fund would have on limiting the fluctuation of funding through the Tax Equity and Educational Opportunities Support Act (TEEOSA) formula;

(2) The best source of revenue to establish and maintain an educational trust fund;

(3) The effectiveness of management of an educational trust fund by the State Department of Education; and

(4) The effects an educational trust fund would have on school spending and reliance on property taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 439. Introduced by Walz, 15.

PURPOSE: The purpose of this resolution is to study the ongoing implementation and impact of LB 276 (2014). LB 276 made medicaid reimbursement available for a broader array of services delivered to medicaid-eligible special education students. The study committee shall explore options to create a distribution formula that allows schools to maximize federal medicaid reimbursements and seek reimbursement for

additional services as allowed by federal law. By assessing the impacts to funding mechanisms and exploring innovative opportunities arising from the passage and implementation of LB 276, the study committee shall determine next steps for the Legislature for funding school-related health services through medicaid, thereby providing opportunities to improve overall student health and increase student engagement.

The study shall include, but not be limited to:

(1) Reviewing impacts on school funding mechanisms, including the Medicaid in Public Schools program, state aid pursuant to the Tax Equity and Educational Opportunities Support Act (TEEOSA), funds for the Nebraska Early Development Network, and the reallocation of special education appropriations;

(2) Examining how changes to the cost settlement process and repayments to the Centers for Medicare and Medicaid Services could affect TEEOSA funding;

(3) Examining equity considerations under the current TEEOSA formula, such as the impact of providing medically necessary services and any incentives that exist for school districts to provide and bill for such services;

(4) Determining the fiscal impact on the Nebraska Early Development Network and its funding given the new payment methodology; and

(5) Identifying the possible changes to the flow and allocation of funding from the Medicaid in Public Schools program in an effort to reduce barriers to use.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 440. Introduced by Kolterman, 24.

PURPOSE: The Nebraska Coalition for Patient Safety (NCPS) was formed as a result of the passage by the Legislature of the Patient Safety Improvement Act in 2005. The purposes of the NCPS are to encourage a culture of safety and quality by providing legal protection for information reported to the NCPS for the purposes of quality improvement and patient safety, to provide for the reporting of aggregate information about occurrences, and to provide for the reporting and sharing of information designed to improve health care delivery systems and reduce adverse health events and near misses in Nebraska. The ultimate goal of the NCPS is to ensure the safety of all individuals who seek health care in Nebraska.

The NCPS has been operating on funds contributed by the Nebraska Medical Association, Nebraska Hospital Association, Nebraska Pharmacists Association, and grants from other entities, such as medical malpractice

companies. No state funds have been allocated to the NCPS, and thus, the NCPS's current ability to support patient safety is limited by its reliance on member fees and grants for financial support.

This study shall examine:

- (1) The current funding mechanisms of the NCPS;
- (2) The work product produced by the NCPS and its value to dues-paying members;
- (3) Strategies and opportunities to provide meaningful data and reports for various health care providers, such as physicians, physician assistants, nurses, occupational therapists, pharmacists, and physical therapists;
- (4) Input from various health care providers regarding what the needs of their profession are in terms of patient safety and how the NCPS could identify and meet those needs with increased funding; and
- (5) A comparison of patient safety organizations in other states, their funding mechanisms, and their identified stakeholders.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 441. Introduced by Friesen, 34.

PURPOSE: The purpose of this resolution is to study telecommunications services in Nebraska. The study shall include an examination of the following:

- (1) The existing structure of regulations governing telecommunications services within Nebraska;
- (2) Whether existing statutes and regulations relating to local exchange service continue to meet the needs of the state and consumers in light of increased competition for voice telecommunications services and changes in technology;
- (3) The need to update and revise provisions of Nebraska law governing the regulation of telecommunications services providers; and
- (4) Other issues relating to telecommunications in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 442. Introduced by Stinner, 48.

PURPOSE: The purpose of this resolution is to study the underlying appropriation issues contributing to the financial hardship experienced by rural long-term care providers across the State of Nebraska.

On March 23, 2018, the Lancaster County Court placed twenty-one long-term care facilities into receivership, including nursing homes, assisted-living facilities, and rehabilitation centers owned and operated by Cottonwood Healthcare, commonly known as Skyline. The receiver was appointed after it was discovered that the company did not have the funds available to pay employees for three weeks at the time the receivership was issued.

In recent years, numerous long-term care facilities throughout the state have closed or otherwise fallen into financial hardship, due in part to cost-saving strategies implemented at the state level. The issue has become most pronounced in rural areas of the state and exacerbated by workforce shortages and the cost of regulations.

On January 5, 2018, the Kearney County Health Services Board of Trustees voted to close Hinterlong Living for Seniors and Countryside Living Nursing Home in Minden, effective April 30, 2018, citing insufficient medicaid funding. In March of 2015, Deseret Health Group announced the closing of four skilled nursing homes in Edgar, Lyons, Exeter, and Ainsworth, citing financial unviability of operations. In December of 1997, the city of Mitchell acquired the sole nursing home facility in the city after discovering it was no longer financially viable to remain open as a private healthcare facility.

This study shall examine the adequacy of state appropriations, other related problems, workforce issues, the cost of regulations, and the mechanisms put in place by the state that affect the funding sources for long-term care providers. The interim study shall include the following:

(1) A financial analysis of medicaid provider rates and related payment issues experienced by long-term care providers;

(2) A financial analysis of medicare provider rates, changes in medicaid co-insurance rates, and related payment issues experienced by long-term care providers;

(3) An analysis of the formula used in cost reporting to the Nebraska medicaid program for the transfer of ownership and medicaid reimbursement based upon prior-owner reports, and in the case of a proposed transfer of facility ownership, an analysis of the state's process for investigating the organizational and financial stability and quality of care history of the proposed owner prior to approval of the ownership transfer;

(4) Issues related to medicaid eligibility requirements of residents affecting the maximization of reimbursement and speed of the application process; and

(5) Other issues affecting the financial viability of long-term care providers including, but not limited to, workforce shortages and the cost of regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 443. Introduced by Wishart, 27.

PURPOSE: The purpose of this resolution is to study the issues surrounding the adoption of a state strategic plan. This study shall include, but not be limited to, an examination of the following issues:

(1) The development of a ten-year strategic plan for the state by the Legislature's Planning Committee;

(2) Goals and guidance for the Planning Committee to develop a ten-year strategic plan for the state;

(3) Potential partner organizations to work in cooperation with to develop a ten-year strategic plan for the state; and

(4) Funding opportunities to assist with the development of a ten-year strategic plan for the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 444. Introduced by Wishart, 27.

PURPOSE: The purpose of this resolution is to study the issues surrounding film and media production in Nebraska. This study shall include, but not be limited to, an examination of the following issues:

(1) Funding opportunities for the Nebraska Film Office;

(2) Opportunities for cooperation by the Nebraska Arts Council, the Nebraska Tourism Commission, and the Department of Economic Development to develop strategies to increase film and media production in Nebraska; and

(3) Funding opportunities for an economic development impact study for film and media production in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 445. Introduced by Wishart, 27.

PURPOSE: The Nebraska Health Care Cash Fund was initially created with a \$50 million endowment for health care programs using the principal and investment income from the Nebraska Tobacco Settlement Trust Fund and the Nebraska Medicaid Intergovernmental Trust Fund. The purpose of this endowment was to create an ongoing funding mechanism for health care in Nebraska.

The purpose of this interim study is to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund. This study shall include:

(1) A review of the annual Nebraska Health Care Cash Fund reports provided by the Department of Health and Human Services;

(2) Input from interested parties regarding the funds necessary to continue using the Nebraska Health Care Cash Fund to pay for health care and related services; and

(3) Recommendations for any statutory or funding changes that the Legislature should make in order to protect the ongoing viability of the Nebraska Health Care Cash Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 446. Introduced by Pansing Brooks, 28.

PURPOSE: The Legislature has declared that bullying disrupts a school's ability to educate students and threatens public safety by creating an atmosphere in which such behavior can escalate into violence. The Legislature has previously defined bullying to mean any ongoing pattern of physical, verbal, or electronic abuse on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or his or her designee, or at school-sponsored activities or school-sponsored athletic events. The Legislature required each school district to adopt and annually review anti-bullying policies in 2009.

According to studies cited by the state Department of Education, fifteen to twenty-five percent of students in the United States are bullied with some frequency, fifteen to twenty percent report that they bully others with some frequency, and seventy-five percent of students reported that they had experienced some form of bullying during their school years. Bullying tends to peak in transition years, moving from elementary to middle school and middle to high school.

Recent unfortunate instances of bullying based on race, ethnicity, national origin and immigration status and toward LGBTQ students in Nebraska have underscored the need to ensure state policy and individual school district policy are meeting best practices and to ensure schools are proactively meeting their legal obligations to ensure students are not bullied or discriminated against.

The purpose of this resolution is to examine existing best practices for anti-bullying policies and practices in K-12 education and the feasibility of adopting these standards in Nebraska. The issues examined in this study shall include, but not be limited to:

- (1) An exploration of the current anti-bullying laws, policies, and practices in Nebraska schools;
- (2) An exploration of existing best practices to prevent bullying, harassment, and discrimination in public schools; and
- (3) An exploration of any other legal or policy issues related to ensuring Nebraska anti-bullying law and policies are meeting best practices for our schools and our students as appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 447. Introduced by Morfeld, 46.

PURPOSE: The purpose of this interim study is to examine security measures to ensure safety in schools, including gun reform, increased use of firearms by qualified school personnel such as school resource officers, additional school resource officers in all middle and high schools, and a list of best practices in threat assessment and prevention and mental health services.

The issues addressed by this interim study shall include, but not be limited to:

- (1) Costs for increased security measures to prevent violence in schools;
- (2) Use of firearms by qualified school personnel;
- (3) The cost to provide school resource officers at every middle and high school;
- (4) Best practices on threat assessment and prevention and mental health services for at-risk students;
- (5) Best practices in other states, including Wisconsin's plan to incorporate an Office of School Safety into the Wisconsin Department of Justice; and
- (6) The need for additional gun reform.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 448. Introduced by Crawford, 45; Linehan, 39.

PURPOSE: The purpose of this resolution is to conduct a comprehensive review of Nebraska's Medicaid Insurance for Workers with Disabilities (MIWD) eligibility under the Medical Assistance Act. The study shall include, but not be limited to, an examination of the following issues:

- (1) The process of applying for MIWD, participation rates of eligible individuals, eligibility determinations, workforce participation, premiums, and the effect of MIWD participation on Medicaid;
- (2) National best practices relating to the MIWD eligibility under the Medical Assistance Act, including eligibility, workforce participation, and premiums; and
- (3) Whether the services provided for MIWD-eligible individuals could be streamlined and improved by adopting the federal Ticket to Work and Work Incentives Improvement Act of 1999 model.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 449. Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to examine the jurisdiction of the State Racing Commission and the role of the commission in promoting the best interests of the horse racing industry.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 450. Introduced by Kolowski, 31.

PURPOSE: Nebraska has great potential for solar energy development. There is a great deal of interest in solar development by communities and individuals. Solar energy development can provide economic benefits and attract new businesses to Nebraska. It is the policy of the state to develop solar energy.

This study shall include, but not be limited to, an examination of the following issues:

(1) Methods of increasing solar development in the state, including programs and policies that benefit public power districts or communities that invest in solar energy;

(2) Issues related to community solar projects, including methods of virtual net metering;

(3) Removing barriers to solar development;

(4) Successful policies and programs in other states; and

(5) Any other issues that will facilitate a full and complete examination of solar energy and solar development in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 451. Introduced by Bolz, 29.

PURPOSE: The Nebraska Children's Commission was created as a high-level leadership body to create a statewide strategic plan to provide a broad restructuring of the goals of the child welfare system. The commission is currently scheduled to terminate on June 30, 2019, unless continued by the Legislature.

The purpose of this study is to examine the work of the Nebraska Children's Commission and evaluate the need for the commission's continuation and any revisions to its structure and purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 452. Introduced by Vargas, 7; Groene, 42.

PURPOSE: The purpose of this resolution is to study alternative teacher certification programs. The study shall include, at a minimum, an examination of the following:

(1) Alternative teacher certification programs and teaching license reciprocity currently available in Nebraska;

(2) Alternative teacher certification programs and teaching license reciprocity available in other states;

(3) Alternative teacher certification programs that may be available online;

(4) The statutory and regulatory environment around alternative teacher certification programs and teaching license reciprocity; and

(5) The role of the Legislature, State Board of Education, State Department of Education, and higher education institutions in ensuring the availability of accelerated teacher certification programs and teaching license reciprocity.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 453. Introduced by Vargas, 7; Morfeld, 46.

PURPOSE: The purpose of this resolution is to study net neutrality. The study shall include, at a minimum, an examination of the following:

- (1) The general concept, principles, and history of net neutrality;
- (2) Federal legislation, rules, regulations, and resolutions on Internet service providers and Internet privacy protections;
- (3) Legislation, rules, regulations, and resolutions on Internet service providers and Internet privacy protections in Nebraska and other states;
- (4) How Internet service providers protect the privacy of customer information and use customer information;
- (5) The potential effects and impact of discrimination, limitations, restrictions, and prioritization of web sites, applications, and content on the freedom of information, market power, and free speech; and
- (6) Policy recommendations that will protect Nebraska consumers' Internet privacy, freedom of information, and free speech.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 454. Introduced by Vargas, 7; Lindstrom, 18.

PURPOSE: The purpose of this resolution is to examine taxes and fees on wireless services.

The study shall include, but not be limited to:

- (1) An examination of the role of wireless service taxes and fees as a revenue source in state and local fiscal systems;
- (2) A review of other states' wireless service taxes and fees; and

(3) The economic impact of wireless taxes and fees on Nebraskans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 455. Introduced by Stinner, 48.

PURPOSE: The purpose of this study is to identify evidence-based best practices for establishing an early warning system to identify and respond to fiscal distress among local political subdivisions.

Local political subdivisions continue to face increasing budgetary stresses due to a variety of factors such as growing liabilities, costly infrastructure repairs, and decreasing aid amid state mandates. In addition to these localized influences on the health of local governments, a changing economy, coupled with outmoded taxing systems as the economy moves more towards services and online sales puts increasing pressure on local political subdivisions.

This study shall focus on evidence-based best practices for identifying the appropriate financial indicators used to adequately signal that a local political subdivision is experiencing or is likely to experience fiscal distress. It shall also be the aim of the study to identify and recommend model policies for the monitoring of fiscal distress and establishing an intervention mechanism for responding to fiscal distress and its risks. The study shall include the following:

(1) An inventory of evidence-based financial indicators used in the identification of financial stressors among local political subdivisions;

(2) An analysis of best practice model policies at the state level which monitor and signal the existence or impending materialization of fiscal distress among local political subdivisions;

(3) An analysis of best practice model policies at the state level which establish early warning and escalating intervention systems to prevent or improve the condition of fiscal distress among local political subdivisions;

(4) Policy recommendations appropriate to the State of Nebraska and its local political subdivisions; and

(5) Other recommendations as appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Quick filed the following amendment to LB1015:
AM2589

(Amendments to Standing Committee amendments, AM1927)

1 1. On page 3, after line 2, insert the following new subdivisions:
2 "(4)(a) Within twenty-four hours after an employer or workers'
3 compensation insurer has received notice of or has knowledge of a
4 reportable injury other than death, the employer or workers' compensation
5 insurer shall give notice in writing to the employee that the employee
6 has the right to speak with or obtain the services of an attorney
7 regarding the employee's rights with respect to the reportable injury.
8 (b) Within twenty-four hours after an employer or workers'
9 compensation insurer has received notice of or has knowledge of a
10 reportable injury that is a death, the employer or workers' compensation
11 insurer shall give notice in writing to the employee's personal
12 representative that the personal representative has the right to speak
13 with or obtain the services of an attorney regarding the employee's
14 rights with respect to the reportable injury.
15 (c) An employer or a workers' compensation insurer shall make no
16 attempt to discourage an employee or personal representative from
17 speaking with or obtaining the services of an attorney with respect to a
18 reportable injury or proceeding under the Nebraska Workers' Compensation
19 Act."

GENERAL FILE

LEGISLATIVE BILL 1089. Title read. Considered.

Committee AM2049, found on page 727, was offered.

Senator Smith withdrew his amendment, AM2188, found on page 820, to the committee amendment.

Senator Chambers offered the following amendment to the committee amendment:

FA138

Amend AM2049

Page 1, line 17 strike "considered".

The Chambers amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

The committee amendment, as amended, was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 456. Introduced by Vargas, 7; Pansing Brooks, 28.

PURPOSE: The purpose of this resolution is to study the Student Discipline Act. The study shall include, at a minimum, an examination of the following:

- (1) The legislative and legal history of the Student Discipline Act;
- (2) How the Student Discipline Act is implemented by schools and school districts; and
- (3) Recommendations for updates to the Student Discipline Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 457. Introduced by Vargas, 7; Walz, 15; Williams, 36.

PURPOSE: The purpose of this resolution is to study state fiscal resources that exist to support first generation students. The study shall include, at a minimum, an examination of the following:

- (1) State appropriations to higher education institutions in Nebraska and how such funds are used to support first generation students;
- (2) State appropriations to other state agencies or nonprofit organizations that are targeted towards first generations students;
- (3) The economic impact of targeting state fiscal resources to support first generation students; and
- (4) Ways the Legislature can evaluate how state funds are used to support first generation students.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 458. Introduced by Vargas, 7.

PURPOSE: The purpose of this resolution is to examine the feasibility of developing a process for the preparation and consideration of racial impact statements relating to possible legislation.

The issues examined in this study shall include, but not be limited to:

- (1) The definition or understanding of the term racial impact statement;
- (2) Whether the use of racial impact statements should be limited to a particular category of legislation or whether such statements should be considered for all legislation;
- (3) A determination of which state agency or department should be tasked with the creation of racial impact statements;
- (4) A determination of the effect that a racial impact statement may have on legislation;
- (5) A determination of the fiscal impact that the use of racial impact statements may have; and
- (6) A review and consideration of other states' processes and mechanisms for preparing, creating, and considering racial impact statements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 459. Introduced by Briese, 41.

PURPOSE: The purpose of this resolution is to create legislation to assure that no person will be discriminated against on the basis of a disability in situations arising under the juvenile code in which he or she faces termination or limitation of his or her parental rights.

The study shall consider the following:

- (1) Whether, when a parent's disability is alleged to have a detrimental impact on a child, the party raising the allegation should bear the burden of proving by clear and convincing evidence that the disability has endangered or will likely endanger the health, safety, or welfare of the child;

(2) If that burden is met, whether the parent with a disability should have the opportunity to demonstrate how the implementation of supportive parenting services will alleviate any concerns that have been raised;

(3) Whether the court may require that supportive parenting services be put in place, with an opportunity to review the need for continuation of such services within a reasonable period of time; and

(4) If a court determines that a disabled person's parental rights, including the right to custody or visitation, should be denied or limited in any manner, whether the court should be required to make specific written findings stating the basis for such a determination and why provision of supportive parenting services is not a reasonable accommodation to prevent such denial or limitation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 460. Introduced by Briese, 41.

PURPOSE: The purpose of this resolution is to create legislation to assure that no person will be discriminated against on the basis of a disability when he or she is being considered as an adoptive parent in a public or private adoption or obtaining guardianship or foster parenting status or placement.

The study shall consider the following:

(1) Whether, when a person's disability is alleged to have a potentially detrimental impact on a child, the party raising the allegation should bear the burden of proving by clear and convincing evidence that the disability will likely endanger the health, safety, or welfare of the child;

(2) If that burden is met, whether the person with a disability should have the opportunity to demonstrate how the implementation of supportive parenting services will alleviate any concerns that have been raised;

(3) Whether the court may require that supportive parenting services be put in place, with an opportunity to review the need for continuation of such services within a reasonable period of time; and

(4) If a court determines that a disabled person cannot provide suitable foster care or that his or her status as a foster parent or petition for guardianship or adoption should be denied or limited in any manner, whether the court should be required to make specific written findings stating the basis for such a determination and why provision of supportive parenting services is not a reasonable accommodation to prevent such denial or limitation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 461. Introduced by Vargas, 7.

PURPOSE: The purpose of this resolution is to conduct a comprehensive review of the Affordable Housing Trust Fund (AHTF) and make recommendations to support and increase affordable housing funding in Nebraska. The study shall include, but not be limited to, an examination of the following issues:

(1) National best practices relating to state and local affordable housing trust funds;

(2) The ability of AHTF-qualified recipients to effectively address affordable housing needs with existing resources;

(3) An inventory of underutilized funds appropriate for use in the AHTF;

(4) An inventory of potential additional revenue sources appropriate for use in the AHTF;

(5) The identification of affordable housing needs in each congressional district;

(6) The identification of statewide affordable housing issues;

(7) Other strategy recommendations to address the shortage of affordable housing;

(8) The identification of AHTF statutory, regulatory, and programmatic requirements that impede the ability of qualified recipients to effectively address affordable housing needs; and

(9) A review of the Department of Economic Development's system to track the balance in the AHTF.

The study committee shall obtain input from interested parties including the housing advisory committee authorized in section 58-704 and a statewide nonprofit membership organization representing affordable housing developers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 462. Introduced by Briese, 41.

PURPOSE: The purpose of this resolution is to examine the possible elimination of various exemptions of goods and exclusions of services under Nebraska's sales and use tax laws. The study shall include, but not be limited to, identifying and evaluating:

- (1) Criteria to consider when evaluating the feasibility of eliminating specific exemptions and exclusions;
- (2) How other states treat goods and services in their sales and use tax base, and specifically, the six states bordering Nebraska;
- (3) The tax expenditures associated with specific Nebraska sales and use tax exemptions and exclusions;
- (4) Historical trends and shifts in the economies of goods and services; and
- (5) Nebraska's current tax structure relative to its reliance on income, sales and use, and property taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 463. Introduced by Groene, 42.

PURPOSE: The purpose of this resolution is to do the following:

- (1) Examine statutes related to augmentation projects in relationship to the Nebraska Cooperative Republican Platte Enhancement (N-CORPE) interlocal project in Lincoln County;
- (2) Examine existing statutes pertaining to integrated management plans and augmentation plans related to ground water; and
- (3) Examine statutes and Nebraska Supreme Court and Nebraska Court of Appeals opinions in reference to the relationship between land ownership and ground water use for augmentation or transfer, including the decisions in *Estermann v. Bose*, 296 Neb. 228 (2017) and *Olson v. Wahoo*, 124 Neb. 802 (1933).

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 464. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to review public power, including, but not limited to:

- (1) Public power structure;
- (2) The generation and transmission of energy; and
- (3) The Southwest Power Pool, energy markets, and other regional transmission organizations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 465. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to review issues pertaining to funding Nebraska's infrastructure system, including, but not limited to:

- (1) Bond procedures; and
- (2) The motor fuel tax.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 466. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to review the issues pertaining to water quality, including, but not limited to:

- (1) The effect of rising nitrate levels;
- (2) Costs associated with more advanced water treatment; and
- (3) The state's plan regarding declining water quality.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 467. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine the Nebraska Juvenile Code, including, but not limited to:

- (1) A review of the delinquency and status offenses;
- (2) A review of neglect cases; and
- (3) A review of all other pertinent statutes related to the juvenile system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 468. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to review criminal offenses throughout the Nebraska statutes, including, but not limited to:

- (1) All felony and misdemeanor offenses; and
- (2) All juvenile delinquency and status offenses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 469. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine the processes by which state government contracts with small businesses. The issues addressed by this interim study shall include, but not be limited to:

- (1) A review of the state and political subdivision procurement statutes;
- (2) A review of how state agencies conduct bidding for contracts; and
- (3) A review of how political subdivisions conduct bidding for contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 994. Title read. Considered.

Committee AM2358, found on page 978, was offered.

Senator Friesen offered his amendment, AM2387, found on page 991, to the committee amendment.

The Friesen amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Senator Friesen offered his amendment, AM2685, found in this day's Journal, to the committee amendment.

The Friesen amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 2 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 994A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 2 present and not voting, and 18 excused and not voting.

VISITORS

Visitors to the Chamber were 5 TeenPact Leadership Schools; Ron Witkowski from Lincoln; 42 fourth-grade students from Rockbrook Elementary, Omaha; and 11 members of TeenPact Leadership School of Nebraska.

RECESS

At 5:47 p.m., on a motion by Senator Lindstrom, the Legislature recessed until 6:30 p.m.

AFTER RECESS

The Legislature reconvened at 6:30 p.m., Speaker Scheer presiding.

ROLL CALL

The roll was called and all members were present except Senators Crawford and Stinner who were excused; and Senators Bolz, Krist, Larson, Morfeld, Pansing Brooks, Watermeier, and Wishart who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 731. Title read. Considered.

Committee AM2432, found on page 1045, was offered.

Senator Kolterman offered the following amendment to the committee amendment:

AM2611

(Amendments to Standing Committee amendments, AM2432)

1 1. On page 3, lines 17 and 22, strike "five" and insert "three".

The Kolterman amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Senator Kolterman offered the following amendment to the committee amendment:

AM2381

(Amendments to Standing Committee amendments, AM2432)

1 1. Insert the following new sections:

2 Sec. 67. Sections 67 to 80 of this act shall be known and may be

3 cited as the Surgical Technologist Registry Act.

4 Sec. 68. For purposes of the Surgical Technologist Registry Act,

5 the definitions found in sections 69 to 71 of this act apply.

6 Sec. 69. Board means the Board of Medicine and Surgery.

7 Sec. 70. Department means the Department of Health and Human

8 Services.

9 Sec. 71. Registered surgical technologist means a person registered

10 as a surgical technologist pursuant to the Surgical Technologist Registry

11 Act.

12 Sec. 72. Beginning January 1, 2019, any surgical technologist

13 employed by a facility licensed under the Health Care Facility Licensure

14 Act or by a physician shall register within one hundred eighty days of

15 employment with the Surgical Technologist Registry created pursuant to
16 section 75 of this act.

17 Sec. 73. To register as a surgical technologist, an individual
18 shall:

19 (1) Be at least nineteen years of age;

20 (2) Be a high school graduate or be officially recognized by the
21 State Department of Education as possessing the equivalent degree of
22 education;

23 (3) Be of good moral character;

24 (4) File an application with the department. The application shall
25 include:

26 (a) The applicant's name, address, birth date, and social security
1 number;

2 (b) Documentation of any felony or misdemeanor conviction, along
3 with date of occurrence and county in which the conviction occurred; and

4 (c)(i) Documentation of current certification as a surgical
5 technologist by the State of Nebraska or a national certifying body
6 approved by the board, if the applicant is currently certified;

7 (ii) Documentation of completion of an accredited program in
8 surgical technology accredited by the Commission on Accreditation of
9 Allied Health Education Programs or the Accrediting Bureau of Health
10 Education Schools if the applicant is a graduate of such program; or

11 (iii) Certification of competency assessment completed by a licensed
12 health care professional. The assessment shall include the components
13 listed in section 74 of this act; and

14 (5) Pay the required nonrefundable fee as determined by the
15 department.

16 Sec. 74. A registered surgical technologist may perform tasks and
17 functions including, but not limited to:

18 (1) Preparing the operating suite for the planned surgical
19 procedure, including gathering and opening all equipment supplies and
20 instrumentation, including, but not limited to, sterile dressings and
21 instruments, scrubs, gowns, gloves, medications, and solutions;

22 (2) Creating and maintaining the sterile field through organization
23 and preparation of instruments and supplies, including performance of
24 necessary surgical counts;

25 (3) Gowning and gloving the surgeon and assistants;

26 (4) Providing visualization of the surgical site;

27 (5) Preparing and draping the patient for the surgical procedure;

28 (6) Positioning the patient;

29 (7) Passing instruments, supplies, and equipment to the surgeon and
30 assistants during the procedure while anticipating the needs of the
31 surgical team;

1 (8) Assisting the surgeon as directed in accordance with applicable
2 law;

3 (9) Assisting the circulating nurse as directed in the care of the
4 surgical patient, including appropriate counts prior to the surgical
5 procedure and before the incision is closed;

6 (10) Maintaining sterile technique during the surgical procedure;

7 (11) Assisting other members of the surgical team with cleaning the
8 operating suite, including decontamination of instruments, supplies, and
9 equipment utilized during the surgical procedure; and

10 (12) Assisting in preparing the surgical suite for the next surgical
11 procedure.

12 Sec. 75. The Surgical Technologist Registry is created. The
13 registry shall be used to register surgical technologists beginning
14 January 1, 2019.

15 Sec. 76. The board shall provide supervision and oversight of the
16 Surgical Technologist Registry.

17 Sec. 77. The department shall establish and collect fees for
18 registration under the Surgical Technologist Registry Act.

19 Sec. 78. (1) The department may deny registration or refuse renewal
20 of or remove a registration from the Surgical Technologist Registry for
21 failure to meet the standards or for violation of the Surgical
22 Technologist Registry Act or the rules and regulations.

23 (2) If the department proposes to deny, refuse renewal of, or remove
24 a registration, it shall send the applicant or registrant a notice
25 setting forth the action to be taken and the reasons for the
26 determination. The denial, refusal to renew, or removal shall become
27 final thirty days after mailing the notice unless the applicant or
28 registrant gives written notice to the department of his or her desire
29 for an informal conference or for a formal hearing.

30 (3) Notice may be served by any method specified in section
31 25-505.01, or the department may permit substitute or constructive
1 service as provided in section 25-517.02 when service cannot be made with
2 reasonable diligence by any of the methods specified in section
3 25-505.01.

4 Sec. 79. A person whose registration has been denied, refused
5 renewal, or removed from the Surgical Technologist Registry may reapply
6 for registration or for lifting of the disciplinary sanction at any time
7 after one year has elapsed since the date such registration was denied,
8 refused renewal, or removed from the registry, in accordance with the
9 rules and regulations.

10 Sec. 80. The department shall adopt and promulgate rules and
11 regulations as deemed necessary to implement the Surgical Technologist
12 Registry Act, including, but not limited to, rules and regulations
13 setting minimum standards for competencies listed in section 74 of this
14 act and methods for competency assessment of surgical technologists.

15 Sec. 81. Section 38-2025, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 38-2025 The following classes of persons shall not be construed to
18 be engaged in the unauthorized practice of medicine:

19 (1) Persons rendering gratuitous services in cases of emergency;

20 (2) Persons administering ordinary household remedies;

21 (3) The members of any church practicing its religious tenets,
22 except that they shall not prescribe or administer drugs or medicines,
23 perform surgical or physical operations, nor assume the title of or hold
24 themselves out to be physicians, and such members shall not be exempt

25 from the quarantine laws of this state;
26 (4) Students of medicine who are studying in an accredited school or
27 college of medicine and who gratuitously prescribe for and treat disease
28 under the supervision of a licensed physician;
29 (5) Physicians who serve in the armed forces of the United States or
30 the United States Public Health Service or who are employed by the United
31 States Department of Veterans Affairs or other federal agencies, if their
1 practice is limited to that service or employment;
2 (6) Physicians who are licensed in good standing to practice
3 medicine under the laws of another state when incidentally called into
4 this state or contacted via electronic or other medium for consultation
5 with a physician licensed in this state. For purposes of this
6 subdivision, consultation means evaluating the medical data of the
7 patient as provided by the treating physician and rendering a
8 recommendation to such treating physician as to the method of treatment
9 or analysis of the data. The interpretation of a radiological image by a
10 physician who specializes in radiology is not a consultation;
11 (7) Physicians who are licensed in good standing to practice
12 medicine in another state but who, from such other state, order
13 diagnostic or therapeutic services on an irregular or occasional basis,
14 to be provided to an individual in this state, if such physicians do not
15 maintain and are not furnished for regular use within this state any
16 office or other place for the rendering of professional services or the
17 receipt of calls;
18 (8) Physicians who are licensed in good standing to practice
19 medicine in another state and who, on an irregular and occasional basis,
20 are granted temporary hospital privileges to practice medicine and
21 surgery at a hospital or other medical facility licensed in this state;
22 (9) Persons providing or instructing as to use of braces, prosthetic
23 appliances, crutches, contact lenses, and other lenses and devices
24 prescribed by a physician licensed to practice medicine while working
25 under the direction of such physician;
26 (10) Dentists practicing their profession when licensed and
27 practicing in accordance with the Dentistry Practice Act;
28 (11) Optometrists practicing their profession when licensed and
29 practicing under and in accordance with the Optometry Practice Act;
30 (12) Osteopathic physicians practicing their profession if licensed
31 and practicing under and in accordance with sections 38-2029 to 38-2033;
1 (13) Chiropractors practicing their profession if licensed and
2 practicing under the Chiropractic Practice Act;
3 (14) Podiatrists practicing their profession when licensed and
4 practicing under and in accordance with the Podiatry Practice Act;
5 (15) Psychologists practicing their profession when licensed and
6 practicing under and in accordance with the Psychology Practice Act;
7 (16) Advanced practice registered nurses practicing in their
8 clinical specialty areas when licensed under the Advanced Practice
9 Registered Nurse Practice Act and practicing under and in accordance with
10 their respective practice acts;
11 (17) Surgical first assistants practicing in accordance with the

12 Surgical First Assistant Practice Act;
 13 (18) Persons licensed or certified under the laws of this state to
 14 practice a limited field of the healing art, not specifically named in
 15 this section, when confining themselves strictly to the field for which
 16 they are licensed or certified, not assuming the title of physician,
 17 surgeon, or physician and surgeon, and not professing or holding
 18 themselves out as qualified to prescribe drugs in any form or to perform
 19 operative surgery;
 20 (19) Persons obtaining blood specimens while working under an order
 21 of or protocols and procedures approved by a physician, registered nurse,
 22 or other independent health care practitioner licensed to practice by the
 23 state if the scope of practice of that practitioner permits the
 24 practitioner to obtain blood specimens; ~~and~~
 25 (20) Other trained persons employed by a licensed health care
 26 facility or health care service defined in the Health Care Facility
 27 Licensure Act or clinical laboratory certified pursuant to the federal
 28 Clinical Laboratories Improvement Act of 1967, as amended, or Title XVIII
 29 or XIX of the federal Social Security Act to withdraw human blood for
 30 scientific or medical purposes; and -
 31 (21) A skilled professional or nonprofessional assistant who is
 1 licensed, certified, or registered under a relevant area of practice to
 2 whom assigned tasks by a qualified physician as defined in section
 3 38-1212, in a manner consistent with accepted medical standards and
 4 appropriate to the assistant's skill in the practice area of which he or
 5 she is licensed, certified, or registered.
 6 Any person who has held or applied for a license to practice
 7 medicine and surgery in this state, and such license or application has
 8 been denied or such license has been refused renewal or disciplined by
 9 order of limitation, suspension, or revocation, shall be ineligible for
 10 the exceptions described in subdivisions (5) through (8) of this section
 11 until such license or application is granted or such license is renewed
 12 or reinstated. Every act or practice falling within the practice of
 13 medicine and surgery as defined in section 38-2024 and not specially
 14 excepted in this section shall constitute the practice of medicine and
 15 surgery and may be performed in this state only by those licensed by law
 16 to practice medicine in Nebraska.
 17 2. Renumber the remaining sections and correct internal references
 18 accordingly.
 19 3. Correct the operative date and repealer sections so the sections
 20 inserted by this amendment become operative on their effective date.

Senator Kolterman withdrew his amendment.

The committee amendment, as amended, was adopted with 33 ayes, 0 nays,
 10 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present
 and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 731A. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1040. Title read. Considered.

Committee AM1995, found on page 767, was offered.

Pending.

AMENDMENT(S) - Print in Journal

Senator Howard filed the following amendment to LB714:
AM2690

(Amendments to Standing Committee amendments, AM1754)

1 1. Insert the following new sections:

2 Sec. 4. Upon the filing of a petition for emancipation, the court
3 shall fix a time for a hearing on the petition. The hearing shall be held
4 not less than forty-five days and not more than sixty days after the
5 filing of such petition unless any party for good cause shown requests a
6 continuance of the hearing or all parties agree to a continuance.

7 Sec. 5. (1) Upon filing a petition pursuant to section 4 of this
8 act, and at least thirty days prior to the hearing date, the petitioner
9 shall serve a notice of filing, together with a copy of the petition for
10 emancipation and a summons to appear at the hearing, upon:

11 (a) The parents or legal guardian of the minor or, if the parents or
12 legal guardian cannot be found, the nearest known relative of the minor
13 residing within the state, if any; and

14 (b) The legal custodian of the minor, if any.
15 (2) Service and summons shall be made in accordance with section
16 25-505.01.

17 (3) Upon a motion and showing by affidavit that service cannot be
18 made with reasonable diligence by any other method provided by statute,
19 the court may permit service to be made (a) by leaving the process at the
20 defendant's usual place of residence and mailing a copy by first-class
21 mail to the defendant's last-known address, (b) by publication, or (c) by
22 any manner reasonably calculated under the circumstances to provide the
23 party with actual notice of the proceedings and an opportunity to be
24 heard.

25 Sec. 13. Section 25-307, Reissue Revised Statutes of Nebraska, is
26 amended to read:

1 25-307 Except as provided by the Nebraska Probate Code and sections
2 1 to 12 of this act, the action of an infant shall be commenced,
3 maintained, and prosecuted by his or her guardian or next friend. Such
4 actions may be dismissed with or without prejudice by the guardian or
5 next friend only with approval of the court. When the action is commenced
6 by his or her next friend, the court has power to dismiss it, if it is
7 not for the benefit of the infant, or to substitute the guardian of the

8 infant, or any person, as the next friend. Any action taken pursuant to
9 this section shall be binding upon the infant.
10 Sec. 14. Original section 25-307, Reissue Revised Statutes of
11 Nebraska, is repealed.
12 2. On page 1, line 25, strike "and"; and in line 26 after "(8)"
13 insert "That the minor is filing the petition as a free and voluntary
14 act; and
15 (9)".
16 3. On page 4, strike lines 29 through 31 and insert the following
17 new subsection:
18 "(4) Unless otherwise provided in the judgment of emancipation, the
19 judgment of emancipation shall explicitly suspend any order regarding
20 custody, parenting time, or support of the minor and be reported by the
21 district court clerk to the jurisdiction that issued such order.".
22 4. On page 5, strike lines 1 through 5; and strike lines 25 through
23 31 and insert the following new subsections:
24 "(3) Upon the filing of a motion for rescission, the court shall fix
25 a time for a hearing on the motion. The hearing shall be held not less
26 than forty-five days and not more than sixty days after the filing of
27 such motion unless any party for good cause shown requests a continuance
28 of the hearing or all parties agree to a continuance.
29 (4)(a) Upon filing a motion pursuant to subsection 3 of this
30 section, and at least thirty days prior to the hearing date, the movant
31 shall serve a notice of filing, together with a copy of the motion for
1 rescission and a summons to appear at the hearing, upon:
2 (i) The parents or the person who was the legal guardian of the
3 emancipated person or, if the parents or legal guardian cannot be found,
4 the nearest known relative of the emancipated person residing within the
5 state, if any; and
6 (ii) The legal custodian of the emancipated person prior to
7 emancipation, if any.
8 (b) Service and summons shall be made in accordance with section
9 25-505.01.
10 (c) Upon a motion and showing by affidavit that service cannot be
11 made with reasonable diligence by any other method provided by statute,
12 the court may permit service to be made (i) by leaving the process at the
13 defendant's usual place of residence and mailing a copy by first-class
14 mail to the defendant's last-known address, (ii) by publication, or (iii)
15 by any manner reasonably calculated under the circumstances to provide
16 the party with actual notice of the proceedings and an opportunity to be
17 heard.
18 (d)".
19 5. On page 6, after line 21, insert the following new subsection:
20 "(6) If a prior order regarding custody, parenting time, or support
21 of the minor was suspended by the judgment of emancipation, the order
22 rescinding the judgment of emancipation shall be reported by the district
23 court clerk to the jurisdiction that issued such order and shall serve to
24 reinstate such prior order of custody, parenting time, or support."; in
25 line 22 strike "(6)" and insert "(7)"; and in line 25 strike "(7)" and

26 insert "(8)".

27 6. On page 6, strike beginning with line 1 through "(b)" in line 13.

28 7. Renumber the remaining sections and correct internal references
29 accordingly.

GENERAL FILE

LEGISLATIVE BILL 1070. Title read. Considered.

Senator Chambers offered the following amendment:

FA139

Page 3, line 17 strike and show as stricken "less" and insert "fewer"

The Chambers amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 889. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 766. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 717. Title read. Considered.

Senator Krist offered the following motion:

MO303

To suspend the rules, Rule 6, Section 3, and Rule 7, Sections 3 and 7, and vote on the advancement without further amendments, motions, or debate.

Senator Krist withdrew his motion to suspend the rules.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 859. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1000. Title read. Considered.

Committee AM1717, found on page 728, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1003. Title read. Considered.

Committee AM1911, found on page 729, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 983. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 982. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1036. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 5 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1038. Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 682. Title read. Considered.

Committee AM2321, found on page 927, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 749. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 2 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 786. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1030. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1052. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1110. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 998. Placed on Select File with amendment.

ER149

1 1. On page 1, line 4, after the first semicolon insert "to provide a
2 program termination date;".

LEGISLATIVE BILL 957. Placed on Select File with amendment.

ER148

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 48-125, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:
5 48-125 (1) ~~(1)(a)~~ Except as hereinafter provided, all amounts of
6 compensation payable under the Nebraska Workers' Compensation Act shall
7 be payable periodically in accordance with the methods of payment of
8 wages of the employee at the time of the injury or death or by a method
9 of payment as provided in subsection (2) of this section. Such payments
10 shall be sent directly to the person entitled to compensation or his or
11 her designated representative except as otherwise provided in section
12 48-149 or subsection (2) of this section.
13 (2)(a) After an injury or death subject to the Nebraska Workers'
14 Compensation Act, the employer, workers' compensation insurer, or risk
15 management pool and the employee, other person entitled to compensation,
16 or a legal representative acting on behalf of such employee or other
17 person entitled to compensation may enter into a written or electronic
18 agreement that periodic or lump-sum payments to the employee or other
19 person entitled to compensation may be made by check or by direct
20 deposit, prepaid card, or similar electronic payment system. Payments
21 made by direct deposit, prepaid card, or similar electronic payment
22 system pursuant to this subsection shall not be subject to attachment or
23 garnishment or held liable in any way for any debts, except as provided
24 in section 48-149; and an agreement under this subdivision shall include

25 notice of this fact. Prior to entering into such an agreement for payment
26 by prepaid card, the employer, workers' compensation insurer, or risk
27 management pool shall provide information regarding the locations where
1 such card may be used to the employee or other person entitled to
2 compensation. Such compensation may be transferred by electronic funds
3 transfer or other electronic means to the trust account of an attorney
4 representing the employee or other person entitled to compensation, for
5 the benefit of such employee or other person. The payment or transfer
6 shall include or be accompanied by information sufficient to identify the
7 nature of the payment being made, including the employer, workers'
8 compensation insurer, or risk management pool and the employee or other
9 person entitled to compensation. If an amount is withheld pursuant to
10 section 48-149, sufficient information to identify the jurisdiction, the
11 case number or similar identifying information, and the amount withheld
12 shall be provided to the employee or other person entitled to
13 compensation or his or her legal representative at or near the time of
14 withholding.

15 (b) If an employer, workers' compensation insurer, or risk
16 management pool imposes any fees or other charges relating to payment by
17 direct deposit, prepaid card, or a similar electronic payment system,
18 prior to entering into an agreement pursuant to subdivision (2)(a) of
19 this section the employer, workers' compensation insurer, or risk
20 management pool shall disclose such fees or charges to the employee or
21 other person entitled to compensation.

22 (c) Any payment or transfer made pursuant to subdivision (2)(a) of
23 this section by direct deposit, prepaid card, or similar electronic
24 payment system shall be in the full amount of the lump-sum or periodic
25 payment awarded or paid pursuant to section 48-121 to the employee or
26 other person entitled to compensation.

27 (d) A prepaid card offered by the employer, workers' compensation
28 insurer, or risk management pool shall:

29 (i) Allow the employee or other person entitled to compensation to
30 apply, initiate, transfer, and load payments with no charge by the
31 employer, workers' compensation insurer, or risk management pool;
1 (ii) For the initial prepaid card, be distributed or delivered to
2 the employee or other person entitled to compensation with no charge by
3 the employer, workers' compensation insurer, or risk management pool; and
4 (iii) Provide the employee or other person entitled to compensation,
5 with respect to each payment made to the prepaid card in accordance with
6 this subsection, at least one method of accessing the full payment
7 without fees.

8 (e) An employee, another person entitled to compensation, or a legal
9 representative acting on behalf of such employee or other person entitled
10 to compensation may elect at any time to rescind the agreement under
11 subdivision (2)(a) of this section regarding the method of payment by
12 providing written notice of such rescission to the employer, workers'
13 compensation insurer, or risk management pool that is a party to such
14 agreement. If such election is made, the employer, workers' compensation
15 insurer, or risk management pool shall change the method of payment to

16 the method of payment of wages of the employee at the time of the injury
17 or death under subsection (1) of this section as soon as practicable
18 after receiving the information necessary to do so and in a manner that
19 allows the employer, workers' compensation insurer, or risk management
20 pool to comply with the requirements of subsection (3) of this section
21 without making a delinquent payment. The employer, workers' compensation
22 insurer, or risk management pool is not required to rescind any payment
23 transaction already made or made to comply with subsection (3) of this
24 section.

25 (f) An employer, a workers' compensation insurer, or a risk
26 management pool or an agent of any such entity shall not engage in
27 unfair, deceptive, or abusive practices in relation to the method of
28 payment. No employer, workers' compensation insurer, risk management
29 pool, or agent of any such entity shall discharge, penalize, or in any
30 other manner discriminate against any employee or other person entitled
31 to compensation because such employee or other person has not consented
1 to receive payments by check or by direct deposit, prepaid card, or a
2 similar electronic payment system.

3 (g) An employer, workers' compensation insurer, or risk management
4 pool that elects to make payment using a prepaid card shall comply with
5 the requirements of 12 C.F.R. part 1005, as such part existed on April 1,
6 2018.

7 (3) ~~(b)~~ Fifty percent shall be added for waiting time for all
8 delinquent payments after thirty days' notice has been given of
9 disability or after thirty days from the entry of a final order, award,
10 or judgment of the Nebraska Workers' Compensation Court, except that for
11 any award or judgment against the state in excess of one hundred thousand
12 dollars which must be reviewed by the Legislature as provided in section
13 48-1,102, fifty percent shall be added for waiting time for delinquent
14 payments thirty days after the effective date of the legislative bill
15 appropriating any funds necessary to pay the portion of the award or
16 judgment in excess of one hundred thousand dollars.

17 (4)(a) ~~(2)(a)~~ Whenever the employer refuses payment of compensation
18 or medical payments subject to section 48-120, or when the employer
19 neglects to pay compensation for thirty days after injury or neglects to
20 pay medical payments subject to such section after thirty days' notice
21 has been given of the obligation for medical payments, and proceedings
22 are held before the compensation court, a reasonable attorney's fee shall
23 be allowed the employee by the compensation court in all cases when the
24 employee receives an award. Attorney's fees allowed shall not be deducted
25 from the amounts ordered to be paid for medical services nor shall
26 attorney's fees be charged to the medical providers.

27 (b) If the employer files an appeal from an award of a judge of the
28 compensation court and fails to obtain any reduction in the amount of
29 such award, the Court of Appeals or Supreme Court shall allow the
30 employee a reasonable attorney's fee to be taxed as costs against the
31 employer for such appeal.

1 (c) If the employee files an appeal from an order of a judge of the
2 compensation court denying an award and obtains an award or if the

3 employee files an appeal from an award of a judge of the compensation
4 court when the amount of compensation due is disputed and obtains an
5 increase in the amount of such award, the Court of Appeals or Supreme
6 Court may allow the employee a reasonable attorney's fee to be taxed as
7 costs against the employer for such appeal.

8 (d) A reasonable attorney's fee allowed pursuant to this subsection
9 shall not affect or diminish the amount of the award.

10 ~~(5)~~ ~~(3)~~ When an attorney's fee is allowed pursuant to this section,
11 there shall further be assessed against the employer an amount of
12 interest on the final award obtained, computed from the date compensation
13 was payable, as provided in section 48-119, until the date payment is
14 made by the employer. For any injury occurring prior to August 30, 2015,
15 the interest rate shall be equal to the rate of interest allowed per
16 annum under section 45-104.01, as such rate may from time to time be
17 adjusted by the Legislature. For any injury occurring on or after August
18 30, 2015, the interest rate shall be equal to six percentage points above
19 the bond investment yield, as published by the Secretary of the Treasury
20 of the United States, of the average accepted auction price for the first
21 auction of each annual quarter of the twenty-six-week United States
22 Treasury bills in effect on the date of entry of the judgment. Interest
23 shall apply only to those weekly compensation benefits awarded which have
24 accrued as of the date payment is made by the employer. If the employer
25 pays or tenders payment of compensation, the amount of compensation due
26 is disputed, and the award obtained is greater than the amount paid or
27 tendered by the employer, the assessment of interest shall be determined
28 solely upon the difference between the amount awarded and the amount
29 tendered or paid.

30 (6) For purposes of this section:

31 (a) Direct deposit means the transfer of payments into an account of
1 a financial institution chosen by the employee or other person entitled
2 to compensation; and

3 (b) Prepaid card means a prepaid debit card that provides access to
4 an account with a financial institution established directly or
5 indirectly by the employer, workers' compensation insurer, or risk
6 management pool to which payments are transferred.

7 Sec. 2. Original section 48-125, Revised Statutes Cumulative
8 Supplement, 2016, is repealed.

9 2. On page 1, line 1, after the first "to" insert "the".

LEGISLATIVE BILL 751. Placed on Select File.

LEGISLATIVE BILL 1121. Placed on Select File with amendment.
ER153

1 1. On page 1, line 4, after the last semicolon insert "to provide
2 severability;".

LEGISLATIVE BILL 1121A. Placed on Select File.

LEGISLATIVE BILL 497. Placed on Select File.

LEGISLATIVE BILL 629. Placed on Select File.

LEGISLATIVE BILL 799. Placed on Select File.

LEGISLATIVE BILL 812. Placed on Select File.

LEGISLATIVE BILL 815. Placed on Select File with amendment.

ER150

1 1. On page 16, line 22, strike "48-416.06" and insert "44-416.06".

LEGISLATIVE BILL 733. Placed on Select File.

LEGISLATIVE BILL 848. Placed on Select File.

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Pansing Brooks filed the following amendment to LB1132:
AM2707

(Amendments to E and R amendments, ER139)

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 28-902, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 28-902 (1) Except as provided in subsection (2) of this section,
6 every health care provider ~~Every person engaged in the practice of~~
7 ~~medicine and surgery, or who is in charge of any emergency room or first-~~
8 ~~aid station in this state,~~ shall immediately report to law enforcement
9 every case, in which the health care provider he is consulted for medical
10 care for physical treatment or treats a wound or injury of violence which
11 appears to have been received in connection with, or as a result of, the
12 commission of a criminal offense, immediately to the chief of police of
13 the municipality or to the sheriff of the county wherein the consultation
14 or treatment occurs. Such report shall include the name of the victim
15 such person, the residence, if ascertainable, and a brief description of
16 the victim's physical injury, and, if ascertainable, the victim's
17 residential address and the location of the offense injury. Any other
18 ~~provision of law or rule of evidence relative to confidential~~
19 ~~communications is suspended insofar as compliance with the provisions of~~
20 ~~this section is are concerned.~~
21 (2) When a health care provider is consulted for medical care for
22 physical injury which reasonably appears to have been received in
23 connection with, or as a result of, the commission of an actual or
24 attempted sexual assault and the victim was eighteen years of age or
25 older at the time of such actual or attempted sexual assault, the health
26 care provider shall:
1 (a) Provide the victim with information detailing the reporting
2 options available under subdivision (2)(b) of this section;
3 (b) Ask the victim either:
4 (i) To provide written consent to report such actual or attempted
5 sexual assault as provided in subsection (1) of this section. If the
6 victim provides such written consent, the health care provider shall make

7 the report required by subsection (1) of this section and submit to law
8 enforcement a sexual assault evidence collection kit if one has been
9 obtained; or
10 (ii) To sign a written acknowledgment that such actual or attempted
11 sexual assault will not be reported except as provided in subdivision (2)
12 (c) or subsection (3) of this section, but that the health care provider
13 will submit to law enforcement a sexual assault evidence collection kit,
14 if one has been obtained, using an anonymous reporting protocol. A health
15 care provider may use the anonymous reporting protocol developed by the
16 Attorney General under section 4 of this act or may use a different
17 anonymous reporting protocol;
18 (c) Regardless of the victim's decision under subdivision (2)(b) of
19 this section, if the victim is suffering from a serious bodily injury, or
20 any bodily injury where a deadly weapon was used to inflict such injury,
21 which appears to have been received in connection with, or as a result
22 of, the commission of an actual or attempted sexual assault, the health
23 care provider shall report such injury to law enforcement as provided in
24 subsection (1) of this section; and
25 (d) Unless declined by the victim, refer him or her to an advocate.
26 (3) When a health care provider is consulted for medical care for
27 physical injury which reasonably appears to have been received in
28 connection with, or as a result of, the commission of an actual or
29 attempted sexual assault, the health care provider shall, regardless of
30 the victim's age or the victim's decision under subdivision (2)(b) of
31 this section, provide law enforcement with a sexual assault evidence
1 collection kit if one has been obtained.
2 (4) A law enforcement agency receiving a sexual assault evidence
3 collection kit under this section shall preserve such kit for twenty
4 years after the date of receipt or as otherwise ordered by a court.
5 (5) Any health care provider who knowingly fails to make any report
6 required by subsection (1) of this section is guilty of a Class III
7 misdemeanor. If multiple health care providers are involved in the
8 consultation of a person in a given occurrence, this section does not
9 require each health care provider to make a separate report, so long as
10 one of such health care providers makes the report required by this
11 section.
12 (6) For purposes of this section:
13 (a) Advocate has the same meaning as in section 29-4302;
14 (b) Anonymous reporting protocol means a reporting protocol that
15 allows the identity of the victim, his or her personal or identifying
16 information, and the details of the sexual assault or attempted sexual
17 assault to remain confidential and undisclosed by the health care
18 provider, other than submission to law enforcement of any sexual assault
19 evidence collection kit, unless and until the victim consents to the
20 release of such information;
21 (c) Health care provider means any of the following individuals who
22 are licensed, certified, or registered to perform specified health
23 services consistent with state law: A physician, physician assistant,
24 nurse, or advanced practice registered nurse;

25 (d) Law enforcement means a law enforcement agency in the county in
26 which the consultation occurred; and
27 (e) Victim means the person seeking medical care.
28 ~~(2) Any person who fails to make the report required by subsection~~
29 ~~(1) of this section commits a Class III misdemeanor.~~
30 Sec. 2. (1) For purposes of this section:
31 (a) Prostitution-related offense includes:
1 (i) Prostitution under section 28-801, solicitation of prostitution
2 under section 28-801.01, keeping a place of prostitution under section
3 28-804, public indecency under section 28-806, or loitering for the
4 purpose of engaging in prostitution or related or similar offenses under
5 local ordinances; and
6 (ii) Attempt, conspiracy, solicitation, being an accessory to,
7 aiding and abetting, aiding the consummation of, or compounding a felony
8 with any of the offenses in subdivision (1)(a) of this section as the
9 underlying offense;
10 (b) Trafficker means a person who engages in sex trafficking or sex
11 trafficking of a minor as defined in section 28-830; and
12 (c) Victim of sex trafficking means a person subjected to sex
13 trafficking or sex trafficking of a minor, as those terms are defined in
14 section 28-830.
15 (2) At any time following the completion of sentence or disposition,
16 a victim of sex trafficking convicted in county or district court of, or
17 adjudicated in a juvenile court for, (a) a prostitution-related offense
18 committed while the movant was a victim of sex trafficking or proximately
19 caused by the movant's status as a victim of sex trafficking or (b) any
20 other offense committed as a direct result of, or proximately caused by,
21 the movant's status as a victim of sex trafficking, may file a motion to
22 set aside such conviction or adjudication. The motion shall be filed in
23 the county, district, or separate juvenile court of the county in which
24 the movant was convicted or adjudicated.
25 (3)(a) If the court finds that the movant was a victim of sex
26 trafficking at the time of the prostitution-related offense or finds that
27 the movant's participation in the prostitution-related offense was
28 proximately caused by the movant's status as a victim of sex trafficking,
29 the court shall grant the motion to set aside a conviction or
30 adjudication for such prostitution-related offense.
31 (b) If the court finds that the movant's participation in an offense
1 other than a prostitution-related offense was a direct result of or
2 proximately caused by the movant's status as a victim of sex trafficking,
3 the court shall grant the motion to set aside a conviction or
4 adjudication for such offense.
5 (4) Official documentation of a movant's status as a victim of sex
6 trafficking at the time of the prostitution-related offense or other
7 offense shall create a rebuttable presumption that the movant was a
8 victim of sex trafficking at the time of the prostitution-related offense
9 or other offense. Such official documentation shall not be required to
10 obtain relief under this section. Such official documentation includes:
11 (a) A copy of an official record, certification, or eligibility

12 letter from a federal, state, tribal, or local proceeding, including an
13 approval notice or an enforcement certification generated from a federal
14 immigration proceeding, that shows that the movant is a victim of sex
15 trafficking; or
16 (b) An affidavit or sworn testimony from an attorney, a member of
17 the clergy, a medical professional, a trained professional staff member
18 of a victim services organization, or other professional from whom the
19 movant has sought legal counsel or other assistance in addressing the
20 trauma associated with being a victim of sex trafficking.
21 (5) In considering whether the movant is a victim of sex
22 trafficking, the court may consider any other evidence the court
23 determines is of sufficient credibility and probative value, including an
24 affidavit or sworn testimony. Examples of such evidence include, but are
25 not limited to:
26 (a) Branding or other tattoos on the movant that identified him or
27 her as having a trafficker;
28 (b) Testimony or affidavits from those with firsthand knowledge of
29 the movant's involvement in the commercial sex trade such as solicitors
30 of commercial sex, family members, hotel workers, and other individuals
31 trafficked by the same individual or group of individuals who trafficked
1 the movant;
2 (c) Financial records showing profits from the commercial sex trade,
3 such as records of hotel stays, employment at indoor venues such as
4 massage parlors, bottle clubs, or strip clubs, or employment at an escort
5 service;
6 (d) Internet listings, print advertisements, or business cards used
7 to promote the movant for commercial sex; or
8 (e) Email, text, or voicemail records between the movant, the
9 trafficker, or solicitors of sex that reveal aspects of the sex trade
10 such as behavior patterns, meeting times, or payments or examples of the
11 trafficker exerting force, fraud, or coercion over the movant.
12 (6) Upon request of a movant, any hearing relating to the motion
13 shall be conducted in camera. The rules of evidence shall not apply at
14 any hearing relating to the motion.
15 (7) An order setting aside a conviction or adjudication under this
16 section shall have the same effect as an order setting aside a conviction
17 as provided in subsections (4) and (5) of section 29-2264.
18 Sec. 3. Section 29-3523, Reissue Revised Statutes of Nebraska, is
19 amended to read:
20 29-3523 (1) After the expiration of the periods described in
21 subsection (3) of this section or after the granting of a motion under
22 subsection (4), (5), or (6) of this section, a criminal justice agency
23 shall respond to a public inquiry in the same manner as if there were no
24 criminal history record information and criminal history record
25 information shall not be disseminated to any person other than a criminal
26 justice agency, except as provided in subsection (2) of this section or
27 when the subject of the record:
28 (a) Is currently the subject of prosecution or correctional control
29 as the result of a separate arrest;

30 (b) Is currently an announced candidate for or holder of public
31 office;

1 (c) Has made a notarized request for the release of such record to a
2 specific person; or

3 (d) Is kept unidentified, and the record is used for purposes of
4 surveying or summarizing individual or collective law enforcement agency
5 activity or practices, or the dissemination is requested consisting only
6 of release of criminal history record information showing (i) dates of
7 arrests, (ii) reasons for arrests, and (iii) the nature of the
8 dispositions including, but not limited to, reasons for not prosecuting
9 the case or cases.

10 (2) That part of criminal history record information described in
11 subsection (7) (4) of this section may be disseminated to individuals and
12 agencies for the express purpose of research, evaluative, or statistical
13 activities pursuant to an agreement with a criminal justice agency that
14 specifically authorizes access to the information, limits the use of the
15 information to research, evaluative, or statistical activities, and
16 ensures the confidentiality and security of the information.

17 (3) Except as provided in subsections (1) and (2) of this section,
18 in the case of an arrest, citation in lieu of arrest, or referral for
19 prosecution without citation, all criminal history record information
20 relating to the case shall be removed from the public record as follows:

21 (a) When no charges are filed as a result of the determination of
22 the prosecuting attorney, the criminal history record information shall
23 not be part of the public record after one year from the date of arrest,
24 citation in lieu of arrest, or referral for prosecution without citation;

25 (b) When charges are not filed as a result of a completed diversion,
26 the criminal history record information shall not be part of the public
27 record after two years from the date of arrest, citation in lieu of
28 arrest, or referral for prosecution without citation; and

29 (c) When charges are filed, but the case is dismissed by the court
30 (i) on motion of the prosecuting attorney, (ii) as a result of a hearing
31 not the subject of a pending appeal, (iii) after acquittal, or (iv) after
1 completion of a program prescribed by a drug court or any other problem
2 solving court approved by the Supreme Court, the criminal history record
3 information shall not be part of the public record immediately upon
4 notification of a criminal justice agency after acquittal pursuant to
5 subdivision (3)(c)(iii) of this section or after the entry of an order
6 dismissing the case.

7 (4) Upon the granting of a motion to set aside a conviction or
8 adjudication pursuant to section 2 of this act, a person who is a victim
9 of sex trafficking, as defined in section 2 of this act, may file a
10 motion with the sentencing court for an order to seal the criminal
11 history record information related to such conviction or adjudication.
12 Upon a finding that a court issued an order setting aside such conviction
13 or adjudication pursuant to section 2 of this act, the sentencing court
14 shall grant the motion and:

15 (a) For a conviction, issue an order as provided in subsection (7)
16 of this section; or

17 (b) For an adjudication, issue an order as provided in section
 18 43-2,108.05.

19 (5) Any person who has received a pardon may file a motion with the
 20 sentencing court for an order to seal the criminal history record
 21 information and any cases related to such charges or conviction. Upon a
 22 finding that the person received a pardon, the court shall grant the
 23 motion and issue an order as provided in subsection (7) of this section.

24 (6) Any person who is subject to a record which resulted in a case
 25 being dismissed prior to January 1, 2017, as described in subdivision (3)
 26 (c) of this section, may file a motion with the court in which the case
 27 was filed to enter an order pursuant to subsection (7) of this section.
 28 Upon a finding that the case was dismissed for any reason described in
 29 subdivision (3)(c) of this section, the court shall grant the motion and
 30 enter an order as provided in subsection (7) of this section.

31 (7) (4) Upon acquittal, ~~or~~ entry of an order dismissing a case
 1 described in subdivision (3)(c) of this section, or after granting a
 2 motion under subsection (4), (5), or (6) of this section, the court
 3 shall:

4 (a) Order that all records, including any information or other data
 5 concerning any proceedings relating to the case, including the arrest,
 6 taking into custody, petition, complaint, indictment, information, trial,
 7 hearing, adjudication, correctional supervision, dismissal, or other
 8 disposition or sentence, are not part of the public record and shall not
 9 be disseminated to persons other than criminal justice agencies, except
 10 as provided in subsection (1) or (2) of this section;

11 (b) Send notice of the order (i) to the Nebraska Commission on Law
 12 Enforcement and Criminal Justice, (ii) to the Nebraska State Patrol, and
 13 (iii) to law enforcement agencies, county attorneys, and city attorneys
 14 referenced in the court record;

15 (c) Order all parties notified under subdivision (7)(b) (4)(b) of
 16 this section to seal all records pertaining to the case; and

17 (d) If the case was transferred from one court to another, send
 18 notice of the order to seal the record to the transferring court.

19 (8) (5) In any application for employment, bonding, license,
 20 education, or other right or privilege, any appearance as a witness, or
 21 any other public inquiry, a person cannot be questioned with respect to
 22 any offense for which the record is sealed. If an inquiry is made in
 23 violation of this subsection, the person may respond as if the offense
 24 never occurred.

25 (9) (6) Any person arrested due to the error of a law enforcement
 26 agency may file a petition with the district court for an order to
 27 expunge the criminal history record information related to such error.
 28 The petition shall be filed in the district court of the county in which
 29 the petitioner was arrested. The county attorney shall be named as the
 30 respondent and shall be served with a copy of the petition. The court may
 31 grant the petition and issue an order to expunge such information if the
 1 petitioner shows by clear and convincing evidence that the arrest was due
 2 to error by the arresting law enforcement agency.

3 (10) The changes made by this legislative bill to the relief set

4 forth in this section shall apply to all persons otherwise eligible in
 5 accordance with the provisions of this section, whether arrested, cited
 6 in lieu of arrest, referred for prosecution without citation, charged,
 7 convicted, or adjudicated prior to, on, or subsequent to the effective
 8 date of this act.

9 Sec. 4. On or before July 1, 2019, the Attorney General shall
 10 develop and distribute a statewide model anonymous reporting protocol for
 11 use by health care providers as provided in section 28-902. Once
 12 developed, the statewide model anonymous reporting protocol shall be
 13 maintained by the Nebraska Commission on Law Enforcement and Criminal
 14 Justice.

15 Sec. 5. Original sections 28-902 and 29-3523, Reissue Revised
 16 Statutes of Nebraska, are repealed.

Senator Harr filed the following amendment to LB909:

AM2687

(Amendments to Standing Committee amendments, AM2284)

1 1. Insert the following new sections:

2 Sec. 83. Section 60-601, Revised Statutes Cumulative Supplement,
 3 2016, is amended to read:

4 60-601 Sections 60-601 to 60-6,383 and section 99 of this act shall
 5 be known and may be cited as the Nebraska Rules of the Road.

6 Sec. 99. A driver in a vehicle on any roadway other than a
 7 controlled-access highway who is approaching (1) a stopped authorized
 8 emergency vehicle using flashing or rotating lights as provided in
 9 section 60-6,231 or (2) a vehicle operated by a towing or vehicle
 10 recovery service, a Nebraska State Patrol motorist assistance vehicle, a
 11 publicly or privately owned utility maintenance vehicle, a highway
 12 maintenance vehicle, or a vehicle operated by a solid waste or recycling
 13 collection service, which is stopped and displaying strobe or flashing
 14 red, yellow, or amber lights, shall, unless otherwise directed by a law
 15 enforcement officer, proceed with due care and caution and:

16 (1) Reduce speed to a reasonable speed below the posted speed limit,
 17 move into another lane that is at least one moving lane apart from the
 18 stopped vehicle if possible under existing traffic and safety conditions,
 19 and be prepared to stop; or
 20 (2) If such a lane change is impossible, unsafe, or prohibited by
 21 law, reduce speed to a reasonable speed below the posted speed limit and
 22 be prepared to stop.

23 2. Renumber the remaining sections, correct internal references, and
 24 correct the repealer accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator Brewer name added to LB909.

Senator Bolz name added to LB998.

VISITORS

The Doctor of the Day was Dr. Jason Bepalec from Geneva.

ADJOURNMENT

At 9:34 p.m., on a motion by Senator Pansing Brooks, the Legislature adjourned until 9:00 a.m., Wednesday, March 28, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIRST DAY - MARCH 28, 2018
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION
FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 28, 2018

PRAYER

The prayer was offered by Pastor Gwen Hurst, Friedens United Church of Christ, Seward.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Groene, Hansen, Howard, McCollister, Morfeld, Vargas, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

ATTORNEY GENERAL'S OPINION

Opinion 18-002

SUBJECT: Constitutionality of LB 117, the Investigational Drug Use Act, Under the Supremacy Clause of the U.S. Constitution

REQUESTED BY: Senator Mike Hilgers
Nebraska State Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
Lynn A. Melson, Assistant Attorney General

You have requested an opinion from this office to address your concerns whether LB 117, the Investigational Drug Use Act, "if enacted into law, would be preempted by the Food, Drug, and Cosmetic Act and the Supremacy Clause of the Constitution." For the reasons set forth below, we

think it is likely that one or more of the provisions of LB 117 could be preempted by federal law.

BACKGROUND

As described by the principal introducer of LB 117, Senator Hilkemann, this bill "allows eligible patients under the Act to be treated with any drug, biological product, or device that has successfully completed Phase 1 of a clinical trial but has not yet been approved for general use by the USFDA [United States Food and Drug Administration, or "FDA"] and remains in a clinical trial approved by the USFDA." Committee Records on LB 117, 105th Neb. Leg., 1st Sess. (Jan. 27, 2017) (Introducer's Statement of Intent). He also notes that such an act is more commonly called a "Right to Try" act.

Among its provisions, LB 117 sets out certain criteria for eligible patients, including having an advanced illness, having a recommendation from a treating physician, and giving written, informed consent. Terms such as "eligible patient," "advanced illness," "investigational drug" and "written, informed consent" are defined. LB 117, § 2. Under the bill, a manufacturer may, but is not required to, provide the investigational drug, biological product, or device for treatment. LB 117, § 5. Section 11 of the bill further provides that it does not create a private cause of action against the manufacturer of an investigational drug or device for harm to the patient if the manufacturer has complied in good faith with the provisions of LB 117. The patient's health insurance carrier is not obligated to pay for such treatments. The Division of Public Health [of the Nebraska Department of Health & Human Services] may not take any action against the license of a health care provider based solely on the provider's recommendation that the patient use an investigational drug, biological product, or device which has not yet been approved by the FDA, and the State of Nebraska will not block the patient's access to such medical treatment. LB 117, §§ 8-10.

According to one source, "right to try" acts have been enacted in 38 states since 2014. <http://righttotry.org/faq/>. (last accessed on 3/19/18). The provisions of these acts vary from state to state. However, all are based on the premise of allowing terminally ill patients to access investigational drugs and devices that have passed the first phase of clinical trials required for approval by the FDA.

Federal legislation concerning the access by patients with advanced or terminal illnesses to investigational drugs has also been proposed. The Senate passed S. 204, the "Right to Try Act of 2017" on August 3, 2017. A somewhat different "Right to Try Act of 2018", H.R. 5247, was passed by the House on March 21, 2018.

FEDERAL FOOD, DRUG AND COSMETIC ACT

Prescription drugs, biological products and medical devices are subject to the comprehensive regulation of the Food and Drug Administration ("FDA")

pursuant to the Federal Food, Drug, and Cosmetic Act ("FDCA"), 21 U.S.C. §§ 301 *et seq.* Relevant to this opinion are the statutory and regulatory provisions pertaining to new or investigational drugs. "No person shall introduce or deliver for introduction into interstate commerce any new drug, unless an approval of an application filed pursuant to subsection (b) or (j) of this section is effective with respect to such drug." 21 U.S.C. § 355(a) (2017). In other words, a new drug product cannot be marketed until the FDA determines that the drug is safe and effective and approves an application. 21 U.S.C. § 355(b) (2017). Congress has created an exemption for new drugs "intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety and effectiveness of drugs." 21 U.S.C. § 355(i) (2017). This provision allows studies or clinical trials to be conducted under an investigational new drug application submitted by the drug's manufacturer or sponsor. That investigation process involves several phases, including the Phase 1 clinical trial referenced in LB 117. *See* 21 C.F.R. Part 312.

We note that biological products can also be drugs and are generally subject to the same statutory and regulatory requirements that apply to drugs. *See* 42 U.S.C. § 262(j) (providing that the FDCA generally applies to biological products). The FDA also regulates the sale of medical devices pursuant to the Medical Device Amendments of 1976, *codified at* 21 U.S.C. §§ 360c to 360k. There is a requirement of premarket approval for new medical devices as there is for new drugs.

The FDCA also provides for remedies for violation of its provisions, including injunctive relief, criminal prosecution and seizure or forfeiture. *See* 21 U.S.C. § 331 (prohibited acts), § 332 (injunction proceedings) and § 333 (civil and criminal penalties).

DISCUSSION

You have asked whether LB 117, if enacted, would be preempted by federal law. The Supremacy Clause of the U.S. Constitution provides that the laws enacted by the federal government shall be the "supreme law of the land." U.S. Const. art. VI, c. 2. "Federal preemption arises from the Supremacy Clause of the U.S. Constitution and is the concept that state laws that conflict with federal law are invalid." *In re Application of Lincoln Electric System*, 265 Neb. 70, 76, 655 N.W. 2d 363, 369 (2003), *cert. denied* 539 U.S. 943, 954. Federal regulations can also preempt state law. *Louisiana Public Service Comm'n v. F.C.C.*, 476 U.S. 355 (1986).

"There are three varieties of preemption: express, implied, and conflict preemption." *In re Application of Lincoln Electric System*, 265 Neb. at 76, 655 N.W.2d at 369. "Express preemption arises when congress has explicitly declared federal legislation to have a preemptive effect." *Id.* Absent express preemptive language, a federal statute or regulation may impliedly preempt state law when the language reveals an intent to completely occupy a legislative field. *Zannini v. Ameritrade Holding Corp.*,

266 Neb. 492, 667 N.W.2d 222 (2003). State law is also impliedly preempted if it actually conflicts with federal law. *Id.*

"Consideration under the Supremacy Clause starts with the basic assumption that Congress did not intend to displace state law." *Maryland v. Louisiana*, 451 U.S. 725, 746 (1981). "Pre-emption occurs when Congress, in enacting a federal statute, expresses a clear intent to pre-empt state law, when there is outright or actual conflict between federal and state law, where compliance with both federal and state law is in effect physically impossible, where there is implicit in federal law a barrier to state regulations, where Congress has legislated comprehensively, thus occupying an entire field of regulation" *Louisiana Public Service Comm'n*, 476 U.S. at 368-69. (internal citations omitted).

We note that LB 117 would apply to investigational drugs, biological products and devices that have successfully completed phase one of a clinical trial, but are not yet approved by the FDA. LB 117, § 2. We are aware of no appellate cases which directly address the issue of federal preemption as it may apply to state "right to try" laws. In a 2007 case, the Court of Appeals for the District of Columbia Circuit considered whether terminally ill patients had a fundamental right protected by the due process clause to have access to investigational drugs. *Abigail Alliance for Better Access to Developmental Drugs v. Eschenbach*, 495 F.3d 695 (D.C. Cir. 2007), *cert. denied*, 552 U.S. 1159 (2008). An organization of terminally ill patients and their supporters sought to enjoin the FDA from barring the sale of these experimental drugs not yet approved by the FDA for public use. The Court held that there was no fundamental right to access investigational drugs and also rejected the Alliance's arguments concerning three common law doctrines: the doctrine of necessity, the tort of intentional interference with rescue, and the right to self-defense. This case was decided prior to the enactment of state "right to try" laws and such laws were not at issue. Therefore, there was no discussion of federal preemption.

The *Abigail Alliance* court made note of the Supreme Court's decision in *United States v. Rutherford*, 442 U.S. 544 (1979) in which terminally ill patients sued to enjoin the federal government from interfering with the interstate shipment and sale of Laetrile, a drug which had not yet been approved by the FDA. The Court found "[t]hat the Act [FDCA] makes explicit provision for carefully regulated use of certain drugs not yet demonstrated safe and effective reinforces our conclusion that no exception for terminal patients may be judicially implied." *Id.* at 559. Again, this case predates the enactment of state "right to try" laws and does not directly address federal preemption of state law claims or defenses.

While there appear to be no appellate cases which address the preemption of state "right to try" laws, there are numerous cases in which courts have addressed federal preemption of other state law claims. Certain claims with regard to medical devices may be expressly preempted. Congress has expressed, as part of the Medical Device Amendments of 1976, an intent to

preempt certain state laws pertaining to medical devices. 21 U.S.C. § 360k(a) provides that no state "may establish or continue in effect with respect to a device intended for human use any requirement—(1) which is different from, or in addition to, any requirement applicable under this chapter to the device, and (2) which relates to the safety or effectiveness of the device or to any other matter included in a requirement applicable to the device under this chapter." An exception to this language exists where the Secretary, on application of the state, has by regulation exempted the state in limited and specific circumstances.

The degree of federal oversight of medical devices varies with the type of device at issue. Certain classes of devices must undergo a federal premarket approval process. Whether a state law claim is preempted by the Medical Devices Amendments would then depend on several factors, including the type of device at issue and the nature of the state law claim. The United States Supreme Court has employed a two-step analysis to determine whether state law claims with regard to medical devices are preempted. *Riegel v. Medtronic, Inc.*, 552 U.S. 312 (2008). In *Riegel*, the Court first considered whether the federal government had established requirements applicable to the balloon catheter manufactured by the defendant and then whether the plaintiff's common law claims were based on state requirements that were "different from, or in addition to" the federal ones and that related to safety and effectiveness. *Id.* at 321-322. The Court held that the state common-law claims of negligence, strict liability, and implied warranty were preempted as to this device. The Court also explained that certain medical devices were grandfathered and exempt from premarket approval and that certain new devices need not undergo premarket approval if the FDA finds they are substantially equivalent to another device exempt from premarket approval. The FDA's review of devices for substantial equivalence is known as the § 510(k) process. *Id.* at 317-319. Claims pertaining to these devices might not be preempted.

As explained above in our general discussion of the FDCA, federal law does allow studies or clinical trials to be conducted under an investigational new drug application. Similarly, the manufacturer of certain medical devices may apply for FDA authorization to use a device for clinical testing pursuant to an investigational device exemption or IDE. 21 U.S.C. § 360j(g). We note that a California court has held that this IDE approval of a medical device is similar to premarket approval such that some state law claims pertaining to these investigational devices are preempted by federal law. *Robinson v. Endovascular Technologies, Inc.*, 190 Cal. App. 4th 1490, 119 Cal. Rptr. 3d 158 (Ct. App. 6th Dist. Cal. 2010).

Particular state law claims may also be impliedly preempted by the Medical Device Amendments. For example, state law claims pertaining to a medical device, that was reviewed under the § 510(k) process and not expressly preempted, may still be impliedly preempted. In *Buckman Co. v. Plaintiffs' Legal Committee*, 531 U.S. 341 (2001), the Supreme Court held that plaintiffs' state law claims that a device manufacturer made fraudulent

representations in its application filed with the FDA were in conflict with and, therefore, impliedly preempted by the FDCA as amended by the Medical Device Amendments. The conflict arose from the fact that federal law empowered the FDA to punish and deter fraud with regard to such applications.

We have found no express language in the FDCA which preempts state laws pertaining to investigational drugs or biological products. With regard to provisions of LB 117 pertaining to investigational new treatments, a court would then consider whether Congress has "occupied the field" (implied or field preemption) and whether it would be impossible to comply with both state and federal law (conflict preemption).

There are a number of cases which address whether certain state law claims, such as state common law tort claims, are impliedly preempted by the FDCA. For example, in *Wyeth v. Levine*, 555 U.S. 555 (2009), the Supreme Court found that a patient's state law failure-to-warn claim against a brand manufacturer of antihistamine, for failing to adequately warn of dangers of administering the drug intravenously, was not preempted by federal law. While the manufacturer argued that it was impossible to comply with both federal labeling duties under the FDCA and state law duties, the Supreme Court disagreed and held that compliance with the state law duty to warn would not obstruct the purposes and objectives of federal drug labeling regulation.

Two years later, in *PLIVA, Inc. v. Mensing*, 564 U.S. 604 (2011), the Supreme Court distinguished *Wyeth* and noted differences in the federal drug labeling requirements that applied to generic drug manufacturers as compared to brand name drug manufacturers. As the manufacturer in *PLIVA* could not have changed its label without prior FDA approval, compliance with both state and federal requirements was impossible. Due to this conflict, the Court held that federal law preempted state law failure-to-warn claims against generic manufacturers.

It thus appears that, in considering the preemptive effect of the FDCA with regard to a provision of a state "right to try" law such as LB 117, a court would carefully evaluate each claim or defense asserted under the state law and determine whether that claim or defense was preempted by one of the many provisions of the FDCA and the regulations which implement it. In our view, although LB 117, §§ 5 and 6 allow manufacturers of investigational new drugs and biological products to make those treatments available to eligible patients, a defense based on that state law provision may well be impliedly preempted by the provisions of the FDCA which prohibit any person from placing into interstate commerce any new drug which has not yet received FDA approval. 21 U.S.C. § 355(a). Although there is an absence of case law addressing the issue, it is likely that a court would find that Congress and the FDA, through existing federal statutes and regulations concerning early or expanded access to investigational drugs, have "occupied the field" such that LB 117, §§ 5 and 6 are preempted or that

those provisions of LB 117 are preempted through conflict preemption. With regard to investigational devices, state law claims may well be expressly preempted.

We point out that the FDA website has a statement regarding "right to try" legislation under the heading "FDA and Marijuana: Questions and Answers." "The FDA has not taken a position on any particular state 'Right to Try' bill. The FDA works with companies to provide patients access to experimental therapies through enrollment in clinical trial or through the expanded access provision described in the FDA's statute and regulations." <https://www.fda.gov/newsevents/publichealthfocus/ucm421168.htm>. (last accessed on 3/19/18).

In addition, several law review authors have expressed the opinion that at least some of the provisions of the various "right to try" laws are likely preempted by federal law. "Perhaps the most crucial limitation that Indiana and other state right-to-try legislation may face is the possibility of federal preemption. It appears likely that the FDA could supersede these attempts by state policymakers if they decided to challenge right- to-try legislation." Howard, *Accessing Indiana's Right-To-Try Law: Is It Enough To Expand Access For Terminally Ill Patients?*, 14 IND. HEALTH L. REV. 267 (2017). *See also*, Note, The Right to Try: An Overview of Efforts to Obtain Expedited Access to Unapproved Treatment for the Terminally Ill, 70 FOOD & DRUG L.J. 617 (2015); Note, Patients Battle The FDA, 55 DUQ. L. REV. 397 (2017); and Adriance, Fighting for the "Right to Try" Unapproved Drugs: Law As Persuasion, 124 YALE L.J. FORUM 148 (2014).

CONCLUSION

We have found no case law concerning the state "right to try" laws which have been recently adopted by a number of states. However, based on our review of other Supremacy Clause cases, we think a court may well find one or more provisions of LB 117 to be preempted by federal law. We think the provision of § 5, which allows manufacturers to make investigational drugs and devices available to eligible patients, is the most likely to be found preempted by the FDCA and the regulations which implement it.

Sincerely,
Douglas J. Peterson
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature

09-592-29

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 358, 359, and 360 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 358, 359, and 360.

SELECT FILE

LEGISLATIVE BILL 1005. ER137, found on page 1076, was adopted.

Senator Kolterman offered his amendment, AM2560, found on page 1070.

The Kolterman amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 909. ER145, found on page 1179, was adopted.

Senator Harr withdrew his amendment, AM2546, found on page 1159.

Senator Friesen offered his amendment, AM2647, found on page 1208.

The Friesen amendment was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Senator Harr offered his amendment, AM2687, found on page 1264.

The Harr amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1008. ER146, found on page 1195, was offered.

Senator Wayne requested a record vote on the adoption of the Enrollment and Review amendment.

Voting in the affirmative, 29:

Albrecht	Clements	Hilkemann	McCollister	Schumacher
Baker	Crawford	Hughes	Morfeld	Smith
Bostelman	Ebke	Kolowski	Pansing Brooks	Stinner
Brasch	Friesen	Krist	Quick	Thibodeau
Briese	Halloran	Kuehn	Riepe	Williams
Chambers	Hilgers	Lindstrom	Scheer	

Voting in the negative, 4:

Brewer Larson Lowe Wayne

Present and not voting, 12:

Blood Harr Linehan Vargas
 Bolz Howard McDonnell Walz
 Erdman Kolterman Murante Watermeier

Excused and not voting, 4:

Geist Groene Hansen Wishart

ER146 was adopted with 29 ayes, 4 nays, 12 present and not voting, and 4 excused and not voting.

Senator Wayne withdrew his motion, MO285, found on page 1101, to object to the referencing pursuant to Rule 6, Section 2 and to refer the bill back to the referencing committee for rereferencing.

Senator Wayne withdrew his amendment, AM2557, found on page 1101.

Senator Brewer withdrew his amendment, AM2538, found on page 1159.

Senator Wayne offered the following amendment:
 AM2656

(Amendments to AM2564)

1 1. On page 1, strike beginning with "(1)" in line 3 through the
 2 period in line 12 and insert the following new subsections:
 3 "(1) Notwithstanding subsection (3) of section 84-712.05, public
 4 power industry entities who are Southwest Power Pool Market Participants
 5 may withhold resource offer information submitted to the Southwest Power
 6 Pool.
 7 (2) For purposes of this section:
 8 (a) Public power industry has the same meaning as in section 70-601;
 9 and
 10 (b) Resource offer has the same meaning as in the Market Protocols
 11 for SPP Integrated Marketplace, Revision 57.a, as revised on February 27,
 12 2018, and published by the Southwest Power Pool."

Senator Wayne moved for a call of the house. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

Senator Wayne requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Brewer Larson Watermeier Wayne

Voting in the negative, 37:

Albrecht	Crawford	Hughes	Morfeld	Thibodeau
Baker	Ebke	Kolowski	Murante	Vargas
Blood	Erdman	Kolterman	Quick	Walz
Bolz	Friesen	Krist	Riepe	Williams
Bostelman	Geist	Kuehn	Scheer	Wishart
Brasch	Hilgers	Lindstrom	Schumacher	
Chambers	Hilkemann	McCollister	Smith	
Clements	Howard	McDonnell	Stinner	

Present and not voting, 6:

Briese	Halloran	Lowe
Groene	Linehan	Pansing Brooks

Excused and not voting, 2:

Hansen	Harr
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The Wayne amendment lost with 4 ayes, 37 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Wayne requested a record vote on the advancement of the bill.

Voting in the affirmative, 38:

Albrecht	Clements	Hughes	McDonnell	Smith
Baker	Ebke	Kolowski	Morfeld	Stinner
Blood	Erdman	Kolterman	Murante	Thibodeau
Bolz	Friesen	Krist	Pansing Brooks	Walz
Bostelman	Geist	Kuehn	Quick	Williams
Brasch	Halloran	Lindstrom	Riepe	Wishart
Briese	Hilgers	Linehan	Scheer	
Chambers	Hilkemann	McCollister	Schumacher	

Voting in the negative, 4:

Brewer	Larson	Watermeier	Wayne
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Present and not voting, 5:

Crawford	Groene	Howard	Lowe	Vargas
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Excused and not voting, 2:

Hansen Harr

Advanced to Enrollment and Review for Engrossment with 38 ayes, 4 nays, 5 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1119. Senator Riepe offered his amendment, AM2535, found on page 1181.

The Riepe amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Pending.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB793:
AM2528

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 68-1111, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 68-1111 Sections 68-1111 to 68-1119 and sections 9 and 10 of this
6 act shall be known and may be cited as the Aging and Disability Resource
7 Center ~~Demonstration Project~~ Act.

8 Sec. 2. Section 68-1113, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

10 68-1113 The purpose of the Aging and Disability Resource Center
11 ~~Demonstration Project~~ Act is ~~to evaluate the feasibility of establishing~~
12 ~~aging and disability resource centers statewide~~ to provide information
13 about long-term care services and support available in the home and
14 community for older Nebraskans or persons with disabilities, family
15 caregivers, and persons who request information or assistance on behalf
16 of others and to assist eligible individuals to access the most
17 appropriate public and private resources to meet their long-term care
18 needs.

19 It is the intent of the Legislature that aging and disability
20 resource centers serve as an ongoing component of Nebraska's long-term
21 care continuum and that aging and disability resource center sites
22 coordinate and establish contractual provider partnerships as necessary
23 with organizations specializing in serving aging persons and persons with
24 disabilities to provide the services described in the act.

25 Sec. 3. Section 68-1114, Revised Statutes Cumulative Supplement,
26 2016, is amended to read:

27 68-1114 For purposes of the Aging and Disability Resource Center
1 ~~Demonstration Project~~ Act:

2 (1) Aging and disability resource center means a community-based
3 entity established to provide information about long-term care services
4 and support and to facilitate access to options counseling to assist

5 eligible individuals and their representatives in identifying the most
6 appropriate services to meet their long-term care needs;
7 (2) Area agency on aging has the meaning found in section 81-2208;
8 (3) Center for independent living has the definition found in 29
9 U.S.C. 796a, as such section existed on January 1, ~~2018~~ 2015;
10 (4) Department means the State Unit on Aging of the Division of
11 Medicaid and Long-Term Care of the Department of Health and Human
12 Services or any successor agency designated by the state to fulfill the
13 responsibilities of section 305(a)(1) of the federal Older Americans Act
14 of 1965, 42 U.S.C 3025(a)(1), as such section existed on January 1, ~~2018~~
15 2015;
16 (5) Eligible individual means a person who has lost, never acquired,
17 or has one or more conditions that affect his or her ability to perform
18 basic activities of daily living that are necessary to live
19 independently;
20 (6) Options counseling means a service that assists an eligible
21 individual in need of long-term care and his or her representatives to
22 make informed choices about the services and settings which best meet his
23 or her long-term care needs and that uses uniform data and information
24 collection assessments and encourages the widest possible use of
25 community-based options to allow an eligible individual to live as
26 independently as possible in the setting of his or her choice;
27 (7) Representative means a person designated as a legal guardian,
28 designated by a power of attorney or a health care power of attorney, or
29 chosen by law, by a court, or by an eligible individual seeking services,
30 but use of the term representative shall not be construed to disqualify
31 an individual who retains all legal and personal autonomy;
1 (8) Uniform assessment means a single standardized tool used to
2 assess a defined population at a specific time; and
3 (9) University Center for Excellence in Developmental Disability
4 Education, Research and Service means the federally designated University
5 Center for Excellence in Developmental Disability Education, Research and
6 Service of the Munroe-Meyer Institute at the University of Nebraska
7 Medical Center.
8 Sec. 4. Section 68-1115, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:
10 68-1115 The department shall adopt criteria for evaluating plans to
11 operate an aging and disability resource center based on the requirements
12 in section 68-1116 within sixty days after the effective date of this
13 act. The department shall award funding grants for ~~three~~ aging and
14 disability resource centers. The department shall pursue federal matching
15 funds as applicable and allocate such funds to the aging and disability
16 resource centers center demonstration projects. ~~The department shall~~
17 ~~adopt criteria for evaluating proposals to operate an aging and~~
18 ~~disability resource center demonstration project based on the~~
19 ~~requirements in section 68-1116 and release a request for proposals~~
20 ~~within sixty days after August 30, 2015.~~
21 Sec. 5. Section 68-1116, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 68-1116 (1) The aging and disability resource ~~centers center~~
 24 ~~demonstration projects shall be established to evaluate the feasibility~~
 25 ~~of establishing aging and disability resource centers statewide as a~~
 26 means of promoting appropriate, effective, and efficient use of long-term
 27 care resources. ~~The aging and disability resource center demonstration~~
 28 ~~projects shall operate through June 30, 2018.~~

29 (2) Each aging and disability resource center ~~demonstration project~~
 30 shall provide one or more of the following services:

31 (a) ~~(4)~~ Comprehensive information on the full range of available
 1 public and private long-term care programs, options, financing, service
 2 providers, and resources within a community, including information on the
 3 availability of integrated long-term care;

4 (b) ~~Options counseling;~~

5 (c) ~~(2)~~ Assistance in accessing and applying for public benefits
 6 programs;

7 ~~(3) Options counseling;~~

8 (d) ~~(4)~~ A convenient point of entry to the range of publicly
 9 supported long-term care programs for an eligible individual;

10 (e) ~~(5)~~ A process for identifying unmet service needs in communities
 11 and developing recommendations to respond to those unmet needs;

12 (f) ~~(6)~~ Facilitation of person-centered transition support to assure
 13 that an eligible individual is able to find the services and support that
 14 are most appropriate to his or her need;

15 (g) ~~(7)~~ Mobility management to promote the appropriate use of public
 16 transportation services by a person who does not own or is unable to
 17 operate an automobile; and

18 (h) ~~(8)~~ A home care provider registry that will provide a person who
 19 needs home care with the names of home care providers and information
 20 about his or her rights and responsibilities as a home care consumer.

21 Sec. 6. Section 68-1117, Revised Statutes Cumulative Supplement,
 22 2016, is amended to read:

23 68-1117 (1) An ~~Within sixty days after the release date of a request~~
 24 ~~for proposals under section 68-1115, an area agency on aging shall~~
 25 establish a contractual provider partnership with one or more lead
 26 organizations that specialize in serving ~~after consultation with a~~
 27 collaboration of organizations that serve aging persons and persons with
 28 congenital and acquired disabilities to provide services as described in
 29 subsection (2) of section 68-116, including, but not limited to, centers
 30 for independent living and the University Center for Excellence in
 31 Developmental Disability Education, Research and Service, for the purpose
 1 of developing an aging and disability resource center plan. After
 2 consultation with a collaboration of and with other organizations,
 3 ~~including, but not limited to,~~ organizations providing advocacy,
 4 protection, and safety for aging persons and persons with congenital and
 5 acquired disabilities, the partnership may submit to the department a
 6 ~~proposal to establish~~ an aging and disability resource center plan
 7 ~~demonstration project~~. The plan proposal shall specify how organizations
 8 currently serving eligible individuals will be engaged in the process of
 9 delivery of services through the aging and disability resource center

10 ~~demonstration project. The proposal shall be developed in consultation~~
11 ~~with eligible individuals and their representatives. The plan proposal~~
12 shall indicate how resources will be utilized by the partnership and
13 collaborating organizations to fulfill the responsibilities of an aging
14 and disability resource center ~~demonstration project.~~

15 (2) Two or more area agencies on aging and their partner lead
16 organizations may develop a joint ~~proposal to establish an~~ aging and
17 disability resource center plan ~~demonstration project~~ to serve all or a
18 portion of their planning-and-service areas. A joint plan proposal shall
19 provide information on how the services described in section 68-1116 will
20 be provided in the counties to be served by the aging and disability
21 resource center ~~demonstration project described in the joint proposal.~~

22 Sec. 7. Section 68-1118, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 68-1118 The department shall provide ~~Within thirty days after~~
25 ~~receipt of a proposal developed pursuant to subsection (1) or (2) of~~
26 ~~section 68-1117, the department shall review the proposal and determine~~
27 ~~whether the proposal is eligible for funding. The department shall select~~
28 ~~three proposals for funding. The department shall enter into a contract~~
29 ~~with an independent institution having experience in evaluating aging and~~
30 ~~disability programs for an evaluation of the aging and disability~~
31 ~~resource center demonstration projects. The contract shall require that a~~
1 ~~report evaluating the aging and disability resource centers~~ ~~demonstration~~
2 ~~projects be presented to the Clerk of the Legislature prior to December~~
3 ~~1, of 2016, 2017, and 2018, and each December 1 thereafter.~~

4 Sec. 8. Section 68-1119, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 68-1119 The department shall reimburse each area agency on aging and
7 contracted provider partner lead organizations described in section
8 ~~68-1117~~ operating an aging and disability resource center ~~demonstration~~
9 ~~project~~ on a schedule agreed to by the department and the area agency on
10 aging and contracted provider partner lead organizations. Such
11 reimbursement shall be made from (1) state funds appropriated by the
12 Legislature, (2) federal funds allocated to the department for the
13 purpose of establishing and operating aging and disability resource
14 centers, and (3) other funds as available.

15 Sec. 9. It is the intent of the Legislature to appropriate
16 \$1,368,616 for fiscal year 2018-19 from the Nebraska Health Care Cash
17 Fund and \$1,277,229 for fiscal year 2019-20 from the Nebraska Health Care
18 Cash Fund, to the Department of Health and Human Services, to carry out
19 the changes made to the Aging and Disability Resource Center Act by this
20 legislative bill.

21 Sec. 10. The Aging and Disability Resource Center Act terminates
22 two years after the effective date of this act unless extended by the
23 Legislature.

24 Sec. 11. Section 83-1216, Revised Statutes Supplement, 2017, is
25 amended to read:

26 83-1216 (1) The department shall administer the medicaid home and
27 community-based services waivers upon application approval by the federal

28 Centers for Medicare and Medicaid Services. Beginning July 1, ~~2021~~ 2019,
29 persons determined to be eligible for specialized services who on or
30 after September 6, 1993, graduate from high school, reach the age of
31 twenty-one years, or are currently receiving services shall receive
1 services in accordance with the Developmental Disabilities Services Act.
2 The amount of funding for any person receiving services shall be
3 determined using an objective assessment process developed by the
4 department and approved by the federal Centers for Medicare and Medicaid
5 Services.

6 (2) The department shall provide directly or by contract service
7 coordination to Nebraska residents found to be eligible for specialized
8 services.

9 (3) It is the intent of the Legislature that the department take all
10 possible steps to maximize federal funding. All Nebraska residents
11 eligible for funding for specialized services through the department
12 shall apply for and accept any federal medicaid benefits for which they
13 may be eligible and benefits from other funding sources within the
14 department, the State Department of Education, specifically including the
15 Division of Rehabilitation Services, and other agencies to the maximum
16 extent possible.

17 (4) The priorities for funding the medicaid home and community-based
18 services waivers under this section are as follows:

19 (a) The first funding priority of the state shall be responding to
20 the needs of persons with developmental disabilities in immediate crisis
21 due to caregiver death, homelessness, or a threat to the life and safety
22 of the person;

23 (b) The second funding priority of the state in responding to the
24 needs of persons with developmental disabilities shall be for persons
25 that have resided in an institutional setting for a period of at least
26 twelve consecutive months and who are requesting community-based
27 services;

28 (c) The third funding priority of the state in responding to the
29 needs of persons with developmental disabilities shall be for serving
30 wards of the department or persons placed under the supervision of the
31 Office of Probation Administration by the Nebraska court system who are
1 transitioning upon age nineteen with no other alternatives as determined
2 by the department to support residential services necessary to pursue
3 economic self-sufficiency;

4 (d) The fourth funding priority of the state in responding to the
5 needs of persons with developmental disabilities shall be for serving
6 persons transitioning from the education system upon attaining twenty-one
7 years of age to maintain skills and receive the day services necessary to
8 pursue economic self-sufficiency; and

9 (e) The fifth funding priority of the state in responding to the
10 needs of persons with developmental disabilities shall be for serving all
11 other persons by date of application.

12 Sec. 12. Original sections 68-1111, 68-1113, 68-1114, 68-1115,
13 68-1116, 68-1117, 68-1118, and 68-1119, Revised Statutes Cumulative
14 Supplement, 2016, and section 83-1216, Revised Statutes Supplement, 2017,

15 are repealed.

16 Sec. 13. Since an emergency exists, this act takes effect when
17 passed and approved according to law.

MOTION(S) - Print in Journal

Senator Larson filed the following motion to LB1008:
MO304
Recommit to the Natural Resources Committee.

AMENDMENT(S) - Print in Journal

Senator Larson filed the following amendment to LB1008:
FA140
Strike the enacting clause.

Senator Ebke filed the following amendment to LB299:
AM2674

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Sections 1 to 16 of this act shall be known and may be
4 cited as the Occupational Board Reform Act.
5 Sec. 2. For purposes of the Occupational Board Reform Act, the
6 definitions in sections 3 to 12 of this act apply.
7 Sec. 3. Government certification means a nontransferable
8 recognition granted to an individual by an occupational board through a
9 voluntary program in which the individual meets personal qualifications
10 established by the Legislature. Government certification allows the
11 certified individual to use a designated title. For purposes of the
12 Occupational Board Reform Act, in analyzing health professions which are
13 subject to the Nebraska Regulation of Health Professions Act, the
14 definition of certification in section 71-6206 applies.
15 Sec. 4. Lawful occupation means a course of conduct, a pursuit, or
16 a profession that includes the sale of goods or services that are not
17 themselves illegal to sell irrespective of whether the individual selling
18 them is subject to an occupational regulation.
19 Sec. 5. Least restrictive regulation means one of the following
20 types of regulation, listed from least restrictive to most restrictive,
21 consistent with the health, safety, and welfare of the public:
22 (1) Market competition;
23 (2) Third-party or consumer-created ratings and reviews;
24 (3) Private certification;
25 (4) Specific private civil cause of action to remedy consumer harm;
26 (5) Deceptive trade practices under the Uniform Deceptive Trade
27 Practices Act;
1 (6) Mandatory disclosure of attributes of the specific goods or
2 services;
3 (7) Regulation of the process of providing the specific goods or
4 services to consumers;

5 (8) Inspection;
6 (9) Bonding or insurance;
7 (10) Registration;
8 (11) Government certification; and
9 (12) Occupational license.
10 Sec. 6. Occupational board means a board, commission, department,
11 or other entity created by state law which regulates providers through
12 occupational regulations.
13 Sec. 7. Occupational license means a nontransferable authorization
14 in law (1) for an individual to perform exclusively a lawful occupation
15 for compensation based on meeting personal qualifications established by
16 the Legislature and (2) which is required in order to legally perform the
17 lawful occupation for compensation.
18 Sec. 8. (1) Occupational regulation means a statute, rule,
19 regulation, practice, policy, or other state law requiring an individual
20 to possess certain personal qualifications or to comply with registration
21 requirements to use an occupational title or work in a lawful occupation.
22 (2) Occupational regulation includes any government certification,
23 registration, and occupational license.
24 (3) Occupational regulation does not include (a) business licensure,
25 facility licensure, building permit requirements, or zoning and land-use
26 regulation except to the extent that the same state laws that require a
27 business license, a facility license, a building permit, or zoning and
28 land-use regulation also regulate an individual's personal qualifications
29 to perform a lawful occupation or (b) an occupational license
30 administered by the Supreme Court.
31 Sec. 9. Personal qualifications means criteria related to an
1 individual's personal background and characteristics, including
2 completion of an approved educational program, satisfactory performance
3 on an examination, work experience, other evidence of attainment of
4 requisite skills or knowledge, moral standing, criminal history, and
5 completion of continuing education.
6 Sec. 10. Private certification means a nontransferable recognition
7 granted to an individual by a private organization through a voluntary
8 program in which the individual meets personal qualifications established
9 by the private organization.
10 Sec. 11. Provider means an individual provider of goods or services
11 engaged in a lawful occupation.
12 Sec. 12. (1) Registration means a nontransferable registration
13 granted to an individual under which (a) the individual is required to
14 give notice to the government that may include the individual's name and
15 address, the individual's agent for service of process, the location of
16 the activity to be performed, and a description of the service the
17 individual provides, (b) upon receipt of the notice by the government,
18 the individual may use the term registered as a designated title to
19 engage in a lawful occupation, and (c) such notice is required to engage
20 in the lawful occupation for compensation and is required in order to use
21 the term registered as a designated title to engage in the lawful
22 occupation.

23 (2) Registration may require a bond or insurance.
24 (3) For purposes of the Occupational Board Reform Act, in analyzing
25 health professions which are subject to the Nebraska Regulation of Health
26 Professions Act, the definition of registration in section 71-6217
27 applies.
28 Sec. 13. For purposes of the Occupational Board Reform Act:
29 (1) Government certification and registration are not synonymous
30 with occupational license;
31 (2) Except as provided in section 3 of this act, when the terms
1 certification and certified are used outside of the Occupational Board
2 Reform Act to mean a requirement that an individual meet certain personal
3 qualifications to work legally, those terms in that context shall be
4 interpreted for purposes of the Occupational Board Reform Act as
5 requiring an individual to meet the requirements for an occupational
6 license; and
7 (3) Except as provided in section 12 of this act, when the terms
8 registration and registered are used outside of the Occupational Board
9 Reform Act to mean a requirement that an individual meet certain personal
10 qualifications to work legally, those terms in that context shall be
11 interpreted for purposes of the Occupational Board Reform Act as
12 requiring an individual to meet the requirements for an occupational
13 license.
14 Sec. 14. It is the policy of the State of Nebraska:
15 (1) To protect the fundamental right of an individual to pursue a
16 lawful occupation;
17 (2) To use the least restrictive regulation which is necessary to
18 protect consumers from undue risk of present, significant, and
19 substantiated harms that clearly threaten or endanger the health, safety,
20 or welfare of the public when competition alone is not sufficient and
21 which is consistent with the public interest;
22 (3) To enforce an occupational regulation against an individual only
23 to the extent that the individual sells goods or services that are
24 included explicitly in the statutes that govern the occupation;
25 (4) To construe and apply occupational regulations to increase
26 opportunities, promote competition, and encourage innovation;
27 (5) To use the least restrictive method of regulation as set out in
28 section 71-6222 for lawful occupations subject to the Nebraska Regulation
29 of Health Professions Act; and
30 (6) To provide ongoing legislative review of occupational
31 regulations.
1 Sec. 15. (1) The fundamental right of an individual to pursue an
2 occupation includes the right of an individual with a criminal history to
3 obtain an occupational license, government certification, or state
4 recognition of the individual's personal qualifications.
5 (2)(a) An individual who has a criminal conviction may submit to the
6 appropriate occupational board a preliminary application for an
7 occupational license, government certification, or state recognition of
8 the individual's personal qualifications for a determination as to
9 whether the individual's criminal conviction would disqualify the

10 individual from obtaining the occupational license, government
11 certification, or state recognition of the individual's personal
12 qualifications from that occupational board. The preliminary application
13 may be submitted at any time, including prior to obtaining required
14 education or paying any fee, other than the fee for the preliminary
15 application under subsection (7) of this section.
16 (b) The individual may include with the preliminary application
17 additional information about the individual's current circumstances,
18 including the time since the offense, completion of the criminal
19 sentence, other evidence of rehabilitation, testimonials, employment
20 history, and employment aspirations.
21 (3) Upon receipt of a preliminary application under subsection (2)
22 of this section and a fee if required under subsection (7) of this
23 section, the appropriate occupational board shall make a determination of
24 whether the individual's criminal conviction would disqualify the
25 individual from obtaining an occupational license, government
26 certification, or state recognition of the individual's personal
27 qualifications from that occupational board.
28 (4) The occupational board shall issue its determination in writing
29 within ninety days after receiving a preliminary application under
30 subsection (2) of this section. The determination shall include findings
31 of fact and conclusions of law. If the occupational board determines that
1 the individual's criminal conviction would disqualify the individual, the
2 occupational board may advise the individual of any action the individual
3 may take to remedy the disqualification. If the occupational board finds
4 that the individual has been convicted of a subsequent criminal
5 conviction, the occupational board may rescind a determination upon
6 finding that the subsequent criminal conviction would be disqualifying
7 under subsection (3) of this section.
8 (5) The individual may appeal the determination of the occupational
9 board. The appeal shall be in accordance with the Administrative
10 Procedure Act.
11 (6) An individual shall not file another preliminary application
12 under this section with the same occupational board within two years
13 after the final decision on the previous preliminary application, except
14 that if the individual has taken action to remedy the disqualification as
15 advised by the occupational board, the individual may file another
16 preliminary application under this section with the same occupational
17 board six months after the final decision on the previous preliminary
18 application.
19 (7) An occupational board may charge a fee not to exceed one hundred
20 dollars for each preliminary application filed pursuant to this section.
21 The fee is intended to offset the administrative costs incurred under
22 this section.
23 Sec. 16. (1) Beginning in 2019, each standing committee of the
24 Legislature shall annually review and analyze approximately twenty
25 percent of the occupational regulations within the jurisdiction of the
26 committee and prepare and submit an annual report electronically to the
27 Clerk of the Legislature by December 15 of each year as provided in this

28 section. Each committee shall complete this process for all occupational
29 regulations within its jurisdiction within five years and every five
30 years thereafter. Each report shall include the committee's
31 recommendations regarding whether the occupational regulations should be
1 terminated, continued, or modified.

2 (2) Each committee may require the submission of information by the
3 affected occupational board and other affected or interested parties.

4 (3) A committee's report shall include, but not be limited to, the
5 following:

6 (a) The title of the regulated occupation and the name of the
7 occupational board responsible for enforcement of the occupational
8 regulations;

9 (b) The statutory citation or other authorization for the creation
10 of the occupational regulations and occupational board;

11 (c) The number of members of the occupational board and how the
12 members are appointed;

13 (d) The qualifications for membership on the occupational board;

14 (e) The number of times the occupational board is required to meet
15 during the year and the number of times it actually met;

16 (f) Annual budget information for the occupational board for the
17 five most recently completed fiscal years;

18 (g) For the immediately preceding five calendar years, or for the
19 period of time less than five years for which the information is
20 practically available, the number of government certifications,
21 occupational licenses, and registrations the occupational board has
22 issued, revoked, denied, or assessed penalties against, listed
23 anonymously and separately per type of credential, and the reasons for
24 such revocations, denials, and other penalties;

25 (h) A review of the basic assumptions underlying the creation of the
26 occupational regulations;

27 (i) A statement from the occupational board on the effectiveness of
28 the occupational regulations; and

29 (j) A comparison of whether and how other states regulate the
30 occupation.

31 (4) Subject to subsection (5) of this section, each committee shall
1 also analyze, and include in its report, whether the occupational
2 regulations meet the policies stated in section 14 of this act
3 considering the following recommended courses of action for meeting such
4 policies:

5 (a) If the need is to protect consumers against fraud, the likely
6 recommendation will be to strengthen powers under the Uniform Deceptive
7 Trade Practices Act or require disclosures that will reduce misleading
8 attributes of the specific goods or services;

9 (b) If the need is to protect consumers against unclean facilities
10 or to promote general health and safety, the likely recommendation will
11 be to require periodic inspections of such facilities;

12 (c) If the need is to protect consumers against potential damages
13 from failure by providers to complete a contract fully or up to
14 standards, the likely recommendation will be to require that providers be

15 bonded;

16 (d) If the need is to protect a person who is not party to a
17 contract between the provider and consumer, the likely recommendation
18 will be to require that the provider have insurance;

19 (e) If the need is to protect consumers against potential damages by
20 transient providers, the likely recommendation will be to require that
21 providers register their businesses with the Secretary of State;

22 (f) If the need is to protect consumers against a shortfall or
23 imbalance of knowledge about the goods or services relative to the
24 providers' knowledge, the likely recommendation will be to enact
25 government certification; and

26 (g) If the need is to address a systematic information shortfall
27 such that a reasonable consumer is unable to distinguish between the
28 quality of providers, there is an absence of institutions that provide
29 adequate guidance to the consumer, and the consumer's inability to
30 distinguish between providers and the lack of adequate guidance allows
31 for undue risk of present, significant, and substantiated harms, the
1 likely recommendation will be to enact an occupational license.

2 (5) If a lawful occupation is subject to the Nebraska Regulation of
3 Health Professions Act, the analysis under subsection (4) of this section
4 shall be made using the least restrictive method of regulation as set out
5 in section 71-6222.

6 (6) In developing recommendations under this section, the committee
7 shall review any report issued to the Legislature pursuant to the
8 Nebraska Regulation of Health Professions Act, if applicable, and
9 consider any findings or recommendations of such report related to the
10 occupational regulations under review.

11 (7) If the committee finds that it is necessary to change
12 occupational regulations, the committee shall recommend the least
13 restrictive regulation consistent with the public interest and the
14 policies in this section and section 14 of this act.

15 Sec. 17. Section 84-901.02, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 84-901.02 The Legislature finds that:

18 (1) The regulatory authority given to agencies has a significant
19 impact on the people of the state;

20 (2) When agencies create substantive standards by which Nebraskans
21 are expected to abide, it is essential that those standards be adopted
22 through the rules and regulations process to enable the public to be
23 aware of the standards and have an opportunity to participate in the
24 approval or repeal process; ~~and~~

25 (3) Agencies should be encouraged to advise the public of current
26 opinions, interpretations, approaches, and likely courses of action by
27 means of guidance documents; and -

28 (4) Oversight of the regulatory authority over occupations and
29 professions given to agencies is required to ensure respect for the
30 fundamental right of an individual to pursue an occupation.

31 Sec. 18. Section 84-907.06, Revised Statutes Supplement, 2017, is
1 amended to read:

2 84-907.06 Whenever an agency proposes to adopt, amend, or repeal a
3 rule or regulation, the agency shall (1) at least thirty days before the
4 public hearing, when notice of a proposed rule or regulation is sent out,
5 or (2) at the same time the agency requests approval from the Governor
6 for an emergency rule or regulation under section 84-901.04, ~~the agency~~
7 ~~shall~~ send to the Executive Board of the Legislative Council for purposes
8 of section 84-907.07 if applicable, to the Executive Board of the
9 Legislative Council to be forwarded to the relevant standing committee of
10 the Legislature for purposes of the Occupational Board Reform Act if
11 applicable, and to the Secretary of State to be made available to the
12 public by means which include, but are not limited to, publication on the
13 Secretary of State's web site, if applicable, the following information:
14 ~~A (a)~~ a copy of the hearing notice required by section 84-907; ~~(b)~~ a
15 draft copy of the rule or regulation; ~~(c)~~ and ~~(e)~~ the information provided
16 to the Governor pursuant to section 84-907.09.

17 Sec. 19. Section 84-910, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 84-910 (1) On or before July 1 of each year, each agency shall
20 notify the Legislative Performance Audit Committee of the status of all
21 rules and regulations pending before the agency which have not been
22 adopted and promulgated. If an additional appropriation was made with
23 respect to legislation enacted to provide funding for or additional staff
24 to implement a program for which rules and regulations are required to be
25 adopted, the notification shall include what the funding has been used
26 for and what functions the staff have been performing while such rules
27 and regulations are pending. The format of the notification shall be
28 established by the committee ~~no later than June 1, 2011,~~ and shall be
29 updated periodically thereafter.

30 (2) On or before July 1 of each year, each agency shall, for
31 purposes of the Occupational Board Reform Act, notify the Executive Board
1 of the Legislative Council of the status of all rules and regulations
2 pending before the agency which have not been adopted and promulgated.
3 The executive board shall forward any notification received pursuant to
4 this subsection to the standing committee of the Legislature with
5 jurisdiction over the rules and regulations.

6 Sec. 20. Section 84-920, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 84-920 Sections 84-901 to 84-920 and the Occupational Board Reform
9 Act shall be known and may be cited as the Administrative Procedure Act.

10 Sec. 21. This act becomes operative on July 1, 2019.

11 Sec. 22. Original section 84-910, Reissue Revised Statutes of
12 Nebraska, sections 84-901.02 and 84-920, Revised Statutes Cumulative
13 Supplement, 2016, and section 84-907.06, Revised Statutes Supplement,
14 2017, are repealed.

VISITORS

Visitors to the Chamber were 20 members of the Lincoln Electric System Professional Development Group; 25 high school students from Lincoln Northeast High School; 10 TeenPact Leadership Schools; Susan and Tom Schlueter from Seward; 31 fourth-grade students from Cornerstone Christian School, Bellevue; 16 fourth-grade students from St. John Lutheran School, Battle Creek; 60 employees of Black Hills Energy from across the state; and former Speakers, Galen Hadley and Dennis Baack.

RECESS

At 11:45 a.m., on a motion by Senator Linehan, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Howard, Kolowski, Lowe, Vargas, Watermeier, and Wishart who were excused until they arrive.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 847. Placed on Select File with amendment.

ER151

1 1. On page 1, line 3, after the second "of" insert "a".

LEGISLATIVE BILL 732. Placed on Select File with amendment.

ER152

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 43-4203, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 43-4203 (1) The Nebraska Children's Commission shall work with
6 administrators from each of the service areas designated pursuant to
7 section 81-3116, the teams created pursuant to section 28-728, local
8 foster care review boards, child advocacy centers, the teams created
9 pursuant to the Supreme Court's Through the Eyes of the Child Initiative,
10 community stakeholders, and advocates for child welfare programs and
11 services to establish networks in each of such service areas. Such
12 networks shall permit collaboration to strengthen the continuum of
13 services available to child welfare agencies and to provide resources for
14 children and juveniles outside the child protection system. Each service
15 area shall develop its own unique strategies to be included in the

16 statewide strategic plan. The Department of Health and Human Services
17 shall assist in identifying the needs of each service area.

18 (2)(a) The commission shall create a committee to examine state
19 policy regarding the prescription of psychotropic drugs for children who
20 are wards of the state and the administration of such drugs to such
21 children. Such committee shall review the policy and procedures for
22 prescribing and administering such drugs and make recommendations to the
23 commission for changes in such policy and procedures.

24 (b) The commission shall create a committee to examine the Office of
25 Juvenile Services and the Juvenile Services Division of the Office of
26 Probation Administration. Such committee shall review the role and
27 effectiveness of out-of-home placements utilized in the juvenile justice
1 system, including the youth rehabilitation and treatment centers, and
2 make recommendations to the commission on the juvenile justice continuum
3 of care, including what populations should be served in out-of-home
4 placements and what treatment services should be provided at the centers
5 in order to appropriately serve those populations. Such committee shall
6 also review how mental and behavioral health services are provided to
7 juveniles in residential placements and the need for such services
8 throughout Nebraska and make recommendations to the commission relating
9 to those systems of care in the juvenile justice system. The committee
10 shall collaborate with the University of Nebraska at Omaha, Juvenile
11 Justice Institute, the University of Nebraska Medical Center, Center for
12 Health Policy, the behavioral health regions as established in section
13 71-807, and state and national juvenile justice experts to develop
14 recommendations. The recommendations shall include a plan to implement a
15 continuum of care in the juvenile justice system to meet the needs of
16 Nebraska families, including specific recommendations for the
17 rehabilitation and treatment model. The recommendations shall be
18 delivered to the commission and electronically to the Judiciary Committee
19 of the Legislature annually by ~~September~~ December 1.

20 (c) The commission may organize committees as it deems necessary.
21 Members of the committees may be members of the commission or may be
22 appointed, with the approval of the majority of the commission, from
23 individuals with knowledge of the committee's subject matter,
24 professional expertise to assist the committee in completing its assigned
25 responsibilities, and the ability to collaborate within the committee and
26 with the commission to carry out the powers and duties of the commission.
27 No member of any committee created pursuant to this section shall have
28 any private financial interest, profit, or benefit from any work of such
29 committee.

30 (d) The Title IV-E Demonstration Project Committee created pursuant
31 to section 43-4208 and the Foster Care Reimbursement Rate Committee
1 created pursuant to section 43-4212 are under the jurisdiction of the
2 commission.

3 (3) The commission shall work with the office of the State Court
4 Administrator, as appropriate, and entities which coordinate facilitated
5 conferencing as described in section 43-247.03. Facilitated conferencing
6 shall be included in statewide strategic plan discussions by the

7 commission. Facilitated conferencing shall continue to be utilized and
8 maximized, as determined by the court of jurisdiction, during the
9 development of the statewide strategic plan. Funding and contracting with
10 mediation centers approved by the Office of Dispute Resolution to provide
11 facilitated conferencing shall continue to be provided by the office of
12 the State Court Administrator at an amount of no less than the General
13 Fund transfer under subsection (1) of section 43-247.04.

14 (4) The commission shall gather information and communicate with
15 juvenile justice specialists of the Office of Probation Administration
16 and county officials with respect to any county-operated practice model
17 participating in the Crossover Youth Program of the Center for Juvenile
18 Justice Reform at Georgetown University.

19 (5) The commission shall coordinate and gather information about the
20 progress and outcomes of the Nebraska Juvenile Service Delivery Project
21 established pursuant to section 43-4101.

22 (6) The commission shall develop a system-of-care plan beginning
23 with prevention services through treatment services for the child welfare
24 system based on relevant data and evidence-based practices to meet the
25 specific needs of each area of the state. Such system-of-care plan shall
26 include services that are goal-driven and outcome-based and shall
27 evaluate the feasibility of utilizing performance-based contracting for
28 specific child welfare services, including the feasibility of additional
29 contractual requirements for service providers requiring services to all
30 children without an option to deny service.

31 (7) The commission shall analyze case management workforce issues
1 and make recommendations to the Health and Human Services Committee of
2 the Legislature regarding:

3 (a) Salary comparisons with other states and the current pay
4 structure based on job descriptions;

5 (b) Utilization of incentives for persons who work in the area of
6 child welfare;

7 (c) Evidence-based training requirements for persons who work in the
8 area of child welfare and their supervisors; and

9 (d) Collaboration with the University of Nebraska to increase and
10 sustain such workforce.

11 Sec. 2. Section 43-4207, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 43-4207 The Nebraska Children's Commission shall provide a written
14 report to the Governor and an electronic report to the Health and Human
15 Services Committee of the Legislature of its activities during the
16 previous year on or before December 1, 2015. If the commission is
17 continued by the Legislature as provided in section 43-4202, the
18 commission shall provide such report on or before ~~December~~ September 1 of
19 each year the commission is continued.

20 Sec. 3. Section 43-4218, Revised Statutes Supplement, 2017, is
21 amended to read:

22 43-4218 (1)(a) The Normalcy Task Force is created. On July 1, 2017,
23 the Normalcy Task Force shall become the Nebraska Strengthening Families
24 Act Committee.

25 (b)(i) Beginning July 1, 2016, until July 1, 2017, the Normalcy Task
26 Force shall monitor and make recommendations regarding the implementation
27 in Nebraska of the federal Preventing Sex Trafficking and Strengthening
28 Families Act, Public Law 113-183, as such act existed on January 1, 2016.
29 (ii) On and after July 1, 2017, the Nebraska Strengthening Families
30 Act Committee shall monitor and make recommendations regarding the
31 implementation in Nebraska of the federal Preventing Sex Trafficking and
1 Strengthening Families Act, Public Law 113-183, as such act existed on
2 January 1, 2017, and the Nebraska Strengthening Families Act.
3 (2) Until July 1, 2017, the members of the task force, and on and
4 after July 1, 2017, the members of the committee shall include, but not
5 be limited to, (a) representatives from the legislative, executive, and
6 judicial branches of government. The representatives from the legislative
7 and judicial branches shall be nonvoting, ex officio members, (b) no
8 fewer than three young adults currently or previously in foster care
9 which may be filled on a rotating basis by members of Project Everlast or
10 a similar youth support or advocacy group, (c) a representative from the
11 juvenile probation system, (d) the executive director of the Foster Care
12 Review Office, (e) one or more representatives from a child welfare
13 advocacy organization, (f) one or more representatives from a child
14 welfare service agency, (g) one or more representatives from an agency
15 providing independent living services, (h) one or more representatives of
16 a child-care institution as defined in section 43-4703, (i) one or more
17 current or former foster parents, (j) one or more parents who have
18 experience in the foster care system, (k) one or more professionals who
19 have relevant practical experience such as a caseworker, and (l) one or
20 more guardians ad litem who practice in juvenile court.
21 (3) On or before July 1, 2016, the Nebraska Children's Commission
22 shall appoint the members of the task force. On July 1, 2017, the members
23 of the task force shall become members of the committee, shall serve the
24 amount of time remaining on their initial terms of office, and are
25 eligible for reappointment by the Nebraska Children's Commission. Members
26 shall be appointed for terms of two years. The commission shall appoint a
27 chairperson or chairpersons of the committee and may fill vacancies on
28 the committee as such vacancies occur.
29 (4) The committee shall provide a written report with
30 recommendations regarding the initial and ongoing implementation of the
31 federal Preventing Sex Trafficking and Strengthening Families Act, as
1 such act existed on January 1, 2017, and the Nebraska Strengthening
2 Families Act and related efforts to improve normalcy for children in
3 foster care and related populations to the Nebraska Children's
4 Commission, the Health and Human Services Committee of the Legislature,
5 the Department of Health and Human Services, and the Governor by
6 ~~September 1~~ ~~December 15~~ of each year. The report to the Health and Human
7 Services Committee of the Legislature shall be submitted electronically.
8 Sec. 4. Section 43-4513, Reissue Revised Statutes of Nebraska, is
9 amended to read:
10 43-4513 (1) On or before July 1, 2013, the Nebraska Children's
11 Commission shall appoint a Bridge to Independence Advisory Committee to

12 make recommendations to the department and the Nebraska Children's
 13 Commission regarding the bridge to independence program, extended
 14 guardianship assistance described in section 43-4511, and extended
 15 adoption assistance described in section 43-4512. The Bridge to
 16 Independence Advisory Committee shall meet on a biannual basis to advise
 17 the department and the Nebraska Children's Commission regarding ongoing
 18 implementation of the bridge to independence program, extended
 19 guardianship assistance described in section 43-4511, and extended
 20 adoption assistance described in section 43-4512 and shall provide a
 21 written report regarding ongoing implementation, including participation
 22 in the bridge to independence program, extended guardianship assistance
 23 described in section 43-4511, and extended adoption assistance described
 24 in section 43-4512 and early discharge rates and reasons obtained from
 25 the department, to the Nebraska Children's Commission, the Health and
 26 Human Services Committee of the Legislature, the department, and the
 27 Governor by September 1 ~~December 15th~~ of each year. By December 15, 2015,
 28 the committee shall develop specific recommendations for expanding to or
 29 improving outcomes for similar groups of at-risk young adults. The report
 30 to the Health and Human Services Committee of the Legislature shall be
 31 submitted electronically.

1 (2) The members of the Bridge to Independence Advisory Committee
 2 shall include, but not be limited to, (a) representatives from all three
 3 branches of government, and the representatives from the legislative and
 4 judicial branches of government shall be nonvoting, ex officio members,
 5 (b) no less than three young adults currently or previously in foster
 6 care, which may be filled on a rotating basis by members of Project
 7 Everlast or a similar youth support or advocacy group, (c) one or more
 8 representatives from a child welfare advocacy organization, (d) one or
 9 more representatives from a child welfare service agency, and (e) one or
 10 more representatives from an agency providing independent living
 11 services.

12 (3) Members of the committee shall be appointed for terms of two
 13 years. The Nebraska Children's Commission shall appoint the chairperson
 14 of the committee and may fill vacancies on the committee as they occur.
 15 Sec. 5. Original sections 43-4203, 43-4207, and 43-4513, Reissue
 16 Revised Statutes of Nebraska, and section 43-4218, Revised Statutes
 17 Supplement, 2017, are repealed.

18 2. On page 1, strike lines 2 and 3 and insert "amend sections
 19 43-4203, 43-4207, and 43-4513, Reissue Revised Statutes of Nebraska, and
 20 section 43-4218, Revised Statutes Supplement, 2017; to change reporting
 21 dates for the commission and committees appointed by the commission; and
 22 to repeal the original sections."

LEGISLATIVE BILL 840. Placed on Select File.

LEGISLATIVE BILL 708. Placed on Select File with amendment.

ER154

1 1. On page 1, line 3, after "including" insert "required criteria,".

LEGISLATIVE BILL 885. Placed on Select File.

LEGISLATIVE BILL 1012. Placed on Select File with amendment.
ER155

1 1. On page 1, strike beginning with "section" in line 2 through
2 "44-4054" in line 3 and insert "sections 44-3903, 44-3910, 44-4047, and
3 44-4052"; and in line 7 before "and" insert "to provide an operative
4 date;".

LEGISLATIVE BILL 701. Placed on Select File with amendment.
ER156

1 1. On page 3, line 14, after "38-1,142" insert "and sections 3 and 4
2 of this act".

LEGISLATIVE BILL 742. Placed on Select File.

LEGISLATIVE BILL 738. Placed on Select File.

LEGISLATIVE BILL 738A. Placed on Select File.

LEGISLATIVE BILL 845. Placed on Select File with amendment.
ER157

1 1. On page 1, strike beginning with "custody" in line 1 through line
2 4 and insert "child custody; to amend section 42-364, Reissue Revised
3 Statutes of Nebraska; to state findings; to prohibit a preference in
4 custody determinations based on disability; to define a term; and to
5 repeal the original section.".

(Signed) Anna Wishart, Chairperson

SELECT FILE

LEGISLATIVE BILL 1119. Senator Riepe offered the following amendment:

AM2418

1 1. Insert the following new sections:
2 Sec. 11. Sections 11 to 24 of this act shall be known and may be
3 cited as the Nebraska Right to Shop Act.
4 Sec. 12. For purposes of the Nebraska Right to Shop Act:
5 (1) Allowed amount means the contractually agreed upon amount paid
6 by an insurance carrier to a health care entity participating in the
7 insurance carrier's network or the amount the health plan is required to
8 pay under the health plan policy or certificate of insurance for out-of-
9 network covered benefits provided to the patient;
10 (2) Department means the Department of Insurance;
11 (3) Director means the Director of Insurance;
12 (4) Enrollee means an individual receiving health insurance coverage
13 from an insurance carrier;
14 (5) Health care entity means:
15 (a) A facility licensed under the Health Care Facility Licensure

16 Act;

17 (b) A health care professional licensed under the Uniform

18 Credentialing Act; and

19 (c) An organization or association of health care professionals

20 licensed under the Uniform Credentialing Act;

21 (6) Incentive payment means a payment described in section 17 of

22 this act that is made by an insurance carrier to an enrollee;

23 (7) Insurance carrier means any entity that provides health

24 insurance in this state. Insurance carrier includes (a) an insurance

25 company, (b) a fraternal benefit society, (c) a health maintenance

26 organization, and (d) any other entity providing a plan of health

27 insurance or health benefits subject to state insurance regulation;

1 (8) Shared savings incentive payment program means a program

2 established by an insurance carrier pursuant to section 17 of this act to

3 provide incentive payments to enrollees; and

4 (9) Shoppable health care service means a health care service for

5 which an insurance carrier offers incentive payments under a shared

6 savings incentive payment program established by the insurance carrier.

7 Shoppable health care service includes, at a minimum, health care

8 services in the following categories:

9 (a) Physical and occupational therapy services;

10 (b) Obstetrical and gynecological services;

11 (c) Radiology and imaging services;

12 (d) Laboratory services;

13 (e) Infusion therapy;

14 (f) Inpatient or outpatient surgical procedures; and

15 (g) Outpatient nonsurgical diagnostic tests or procedures.

16 Sec. 13. The Nebraska Right to Shop Act shall apply to any

17 insurance carrier that elects to be subject to the act. An insurance

18 carrier making such election shall file a notice of the election with the

19 department.

20 Sec. 14. (1) Prior to a nonemergency admission, procedure, or

21 service and upon request by a patient or prospective patient, a health

22 care entity within the patient's or prospective patient's insurer network

23 shall, within three working days, disclose the allowed amount of the

24 nonemergency admission, procedure, or service, including the amount for

25 any facility fees required, to the patient or prospective patient.

26 (2) Prior to a nonemergency admission, procedure, or service and

27 upon request by a patient or prospective patient, a health care entity

28 outside the patient's or prospective patient's insurer network shall,

29 within three working days, disclose the amount that will be charged for

30 the nonemergency admission, procedure, or service, including the amount

31 for any facility fees required, to the patient or prospective patient.

1 (3) If a health care entity is unable to quote a specific amount

2 under subsection (1) or (2) of this section in advance due to the health

3 care entity's inability to predict the specific treatment or diagnostic

4 code, the health care entity shall disclose what is known for the

5 estimated amount for a proposed nonemergency admission, procedure, or

6 service, including the amount for any facility fees required. A health

7 care entity shall disclose the incomplete nature of the estimate and
8 shall inform the patient or prospective patient of his or her ability to
9 obtain an updated estimate once additional information is determined.

10 (4) If a patient or prospective patient is covered by insurance, a
11 health care entity that participates in an insurance carrier's network
12 shall, upon request of a patient or prospective patient, provide, based
13 on the information available to the health care entity at the time of the
14 request, sufficient information regarding the proposed nonemergency
15 admission, procedure, or service for the patient or prospective patient
16 to receive a cost estimate from his or her insurance carrier to identify
17 out-of-pocket costs, which could be through an insurance carrier's toll-
18 free telephone number or web site. A health care entity may assist a
19 patient or prospective patient in using an insurance carrier's toll-free
20 telephone number or web site.

21 Sec. 15. An insurance carrier shall establish an interactive
22 mechanism on its publicly accessible web site that enables an enrollee to
23 request and obtain from the insurance carrier information on the payments
24 made by the insurance carrier to network providers for health care
25 services. The interactive mechanism must allow an enrollee seeking
26 information about the cost of a particular health care service to compare
27 costs among network providers.

28 Sec. 16. (1) Within two working days of an enrollee's request, an
29 insurance carrier shall provide a good faith estimate of the amount the
30 enrollee will be responsible to pay out-of-pocket for a proposed
31 nonemergency procedure or service that is a medically necessary covered
1 benefit from an insurance carrier's network provider, including any
2 copayment, deductible, coinsurance, or other out-of-pocket amount for any
3 covered benefit, based on the information available to the insurance
4 carrier at the time the request is made.

5 (2) Nothing in this section shall prohibit an insurance carrier from
6 imposing cost-sharing requirements disclosed in the enrollee's
7 certificate of coverage for unforeseen health care services that arise
8 out of the nonemergency procedure or service or for a procedure or
9 service provided to an enrollee that was not included in the original
10 estimate.

11 (3) An insurance carrier shall notify the enrollee that the amounts
12 provided under subsection (1) of this section are estimated costs and
13 that the actual amount the enrollee will be responsible to pay may vary
14 due to unforeseen services that arise out of the proposed nonemergency
15 procedure or service.

16 Sec. 17. (1) An insurance carrier shall develop and implement a
17 shared savings incentive payment program that provides incentive payments
18 for enrollees in a health plan who elect to receive shoppable health care
19 services that are covered by the plan from providers that charge less
20 than the average price paid by that insurance carrier for that shoppable
21 health care service.

22 (2) Incentive payments may be calculated as a percentage of the
23 difference in price, as a flat dollar amount, or by some other reasonable
24 methodology approved by the director. The insurance carrier must provide

25 the incentive payment as a cash payment to the enrollee.
26 (3) The shared savings incentive payment program must provide
27 enrollees with at least fifty percent of the insurance carrier's saved
28 costs for each shoppable health care service or category of shoppable
29 health care service resulting from shopping by enrollees. An insurance
30 carrier is not required to provide an incentive payment or credit to an
31 enrollee when the insurance carrier's saved cost is fifty dollars or
1 less.
2 (4) An insurance carrier shall base the average price on the average
3 amount paid to an in-network provider for the procedure or service under
4 the enrollee's health plan within a reasonable timeframe not to exceed
5 one year. An insurance carrier may determine an alternate methodology for
6 calculating the average price if approved by the director.
7 Sec. 18. An insurance carrier shall make the shared savings
8 incentive payment program available as a component of all health plans
9 offered by the insurance carrier in this state. Annually at enrollment or
10 renewal, an insurance carrier shall provide notice about the availability
11 of the program to any enrollee who is enrolled in a health plan eligible
12 for the program.
13 Sec. 19. Prior to offering the shared savings incentive payment
14 program to any enrollee, an insurance carrier shall file a description of
15 the program with the department in the manner determined by the director.
16 The department may review the filing made by the insurance carrier to
17 determine if the insurance carrier's program complies with the
18 requirements of the Nebraska Right to Shop Act. Filings and any
19 supporting documentation submitted pursuant to this section are
20 confidential until the filing has been reviewed by the department.
21 Sec. 20. If an enrollee elects to receive a shoppable health care
22 service from an out-of-network provider that results in an incentive
23 payment, the insurance carrier shall apply the amount paid for the
24 shoppable health care service toward the enrollee's member cost sharing
25 as specified in the enrollee's health plan as if the health care services
26 were provided by an in-network provider.
27 Sec. 21. An incentive payment made by an insurance carrier in
28 accordance with the Nebraska Right to Shop Act is not an administrative
29 expense of the insurance carrier for rate development or rate filing
30 purposes.
31 Sec. 22. (1) On or before March 31 each year, each insurance
1 carrier shall file with the department the following information for the
2 most recent calendar year:
3 (a) The total number of incentive payments made pursuant to the
4 insurance carrier's shared savings incentive payment program;
5 (b) The use of shoppable health care services by category of service
6 for which incentive payments are made;
7 (c) The total amount of incentive payments made to enrollees;
8 (d) The average amount of incentive payments made by category of
9 shoppable health care service;
10 (e) The total savings achieved below the average prices by category
11 of shoppable health care service; and

12 (f) The total number and percentage of an insurance carrier's
13 enrollees that participated in the shared savings incentive payment
14 program.

15 (2) On or before July 1, 2019, and on or before July 1 of each year
16 thereafter, the department shall electronically submit an aggregate
17 report for all insurance carriers filing the information required by
18 subsection (1) of this section to the Legislature.

19 Sec. 23. (1) The personnel division of the Department of
20 Administrative Services, in its discretion, may develop and implement a
21 program for state employees receiving health insurance coverage under
22 sections 84-1601 to 84-1615 that is similar to the shared savings
23 incentive payment program described in section 17 of this act. If the
24 division develops and implements such a program, the division may use the
25 State Employees Insurance Fund to make incentive payments to state
26 employees pursuant to such program.

27 (2) If a program for state employees is developed and implemented
28 pursuant to this section, then on or before July 1 of each year after
29 implementation of such program, the personnel division of the Department
30 of Administrative Services shall electronically report to the Legislature
31 the following information for the most recent calendar year:

1 (a) The total number of incentive payments made pursuant to the
2 program;

3 (b) The use of shoppable health care services by category of service
4 for which incentive payments are made;

5 (c) The total amount of incentive payments made to state employees;

6 (d) The average amount of incentive payments made by category of
7 shoppable health care service;

8 (e) The total savings achieved below the average prices by category
9 of shoppable health care service; and

10 (f) The total number and percentage of state employees that
11 participated in the program.

12 Sec. 24. The department may adopt and promulgate rules and
13 regulations as necessary to carry out the Nebraska Right to Shop Act.

14 Sec. 25. Section 44-361, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 44-361 No insurance company, by itself or any other party, and no
17 insurance agent or broker, personally or by any other party, shall offer,
18 promise, allow, give, set off, or pay, directly or indirectly, any rebate
19 of, or part of, the premium payable on the policy, or of any policy, or
20 agent's commission thereon, or earnings, profits, dividends, or other
21 benefits founded, arising, accruing or to accrue thereon or therefrom, or
22 any paid employment or contract for service, or for advice of any kind,
23 or any other valuable consideration or inducement to, or for insurance,
24 on any risk authorized to be taken under section 44-201 now or hereafter
25 to be written, which is not specified in the policy contract of
26 insurance; nor shall any such company, agent, or broker, personally or
27 otherwise, offer, promise, give, sell or purchase any stock, bonds,
28 securities or property, or any dividends or profits accruing or to accrue
29 thereon, or other things of value whatsoever, as inducement to insurance

30 or in connection therewith, which is not specified in the policy. No
31 insured person or party shall receive or accept, directly or indirectly,
1 any rebate of premium, or part thereof, or agent's or broker's commission
2 thereon, payable on the policy, or on any policy of insurance, or any
3 favor or advantage or share in the dividends or other benefits to accrue
4 on, or any valuable consideration or inducement not specified in the
5 policy contract of insurance. Extending of interest-free credit on life
6 and liability insurance premiums or interest-free credit on crop hail
7 insurance premiums shall not be a rebate of the premium. Payments made
8 pursuant to the Nebraska Right to Shop Act shall not be considered a
9 rebate of the premium for purposes of this section.

10 Sec. 26. Section 84-1613, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 84-1613 The State Employees Insurance Fund is established. The fund
13 shall be administered by the personnel division of the Department of
14 Administrative Services. All funds appropriated to pay the state's share
15 of the cost of the coverages provided by sections 84-1601 to 84-1615 and
16 all payroll deductions made under sections 84-1601 to 84-1615 shall be
17 credited to the fund. The division shall make premium payments to the
18 carrier, carriers, or combinations of carriers selected under section
19 84-1603 from this fund. The division may also use the fund to make
20 incentive payments to state employees pursuant to section 23 of this act.
21 Any funds in the State Employees Insurance Fund available for
22 investment shall be invested by the state investment officer pursuant to
23 the Nebraska Capital Expansion Act and the Nebraska State Funds
24 Investment Act.

25 On or before October 1, 2001, the State Treasurer shall transfer one
26 million five hundred thousand dollars from the excess state share of life
27 insurance history money of the State Employees Insurance Fund to the
28 Workers' Compensation Claims Revolving Fund.

29 Sec. 27. Original sections 44-361 and 84-1613, Reissue Revised
30 Statutes of Nebraska, are repealed.

31 2. On page 2, line 1, strike "This" and insert "Sections 1 to 10 of
1 this".

The Riepe amendment was adopted with 32 ayes, 0 nays, 13 present and not
voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1132. ER139, found on page 1121, was adopted.

Senator Pansing Brooks offered her amendment, AM2707, found on page
1258.

The Pansing Brooks amendment was adopted with 32 ayes, 0 nays, 12
present and not voting, and 5 excused and not voting.

Senator Thibodeau offered the following amendment:

AM2718

(Amendments to E and R amendments, ER139)

1 1. Insert the following new sections:

2 Sec. 5. Section 53-101, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 53-101 Sections 53-101 to 53-1,122 and section 7 of this act shall
5 be known and may be cited as the Nebraska Liquor Control Act.

6 Sec. 6. Section 53-103, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 53-103 For purposes of the Nebraska Liquor Control Act, the
9 definitions found in sections 53-103.01 to 53-103.46 and section 7 of
10 this act apply.

11 Sec. 7. (1) Bottle club means an operation, whether formally
12 organized as a club having a regular membership list, dues, officers, and
13 meetings or not, keeping and maintaining premises where persons who have
14 made their own purchases of alcoholic liquor congregate for the express
15 purpose of consuming alcoholic liquor upon the payment of a fee or other
16 consideration, including, but not limited to, other services such as the
17 sale of food, ice, mixes, or other fluids for alcoholic drinks, and the
18 maintenance of the space for consumption, entertainment performances, or
19 commercial sexual activity or sexually-explicit performances. For
20 purposes of this subsection, commercial sexual activity and sexually-
21 explicit performance have the same meaning as in section 28-830.

22 (2) A person operating a bottle club shall obtain the appropriate
23 Class A or Class I retail license based on the type of beverages allowed
24 to be consumed on the premises. Such operation may be conducted by a
25 club, an individual, a partnership, a limited liability company, or a
26 corporation. An accurate and current membership list shall be maintained
1 upon the premises which contains the names and residences of the members.
2 The person operating the bottle club shall make the membership list
3 available to the commission and any law enforcement officer for
4 investigatory enforcement purposes.

5 Sec. 8. Section 53-186.01, Revised Statutes Cumulative Supplement,
6 2016, is amended to read:

7 53-186.01 (1) It shall be unlawful for any person owning, operating,
8 managing, or conducting any bottle club, dance hall, restaurant, cafe, or
9 club or any place open to the general public to permit or allow any
10 person to consume alcoholic liquor upon the premises except as permitted
11 by a license issued for such premises pursuant to the Nebraska Liquor
12 Control Act.

13 (2) It shall be unlawful for any person to consume alcoholic liquor
14 in any dance hall, restaurant, cafe, or club or any place open to the
15 general public except as permitted by a license issued for such premises
16 pursuant to the act.

17 (3) This section shall not apply to a retail licensee while lawfully
18 engaged in the catering of alcoholic beverages or to limousines or buses
19 operated under section 60-6,211.08.

20 (4) Any person violating subsection (1) of this section shall, upon

21 conviction thereof, be subject to the penalties contained in section
22 53-1,100.

23 (5) Any person violating subsection (2) of this section shall be
24 guilty of a Class III misdemeanor.

25 Sec. 9. If any section in this act or any part of any section is
26 declared invalid or unconstitutional, the declaration shall not affect
27 the validity or constitutionality of the remaining portions.

28 2. Renumber the remaining section and correct the repealer
29 accordingly.

Senator Larson requested a ruling of the Chair on whether the Thibodeau amendment is germane to the bill.

The Chair ruled the Thibodeau amendment is not germane to the bill.

Senator Thibodeau challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Thibodeau withdrew her motion to overrule the Chair.

Senator Thibodeau withdrew her amendment.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 791. Placed on General File with amendment.

AM2708

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. (1) The chief of police, sheriff, Superintendent of Law
4 Enforcement and Public Safety, or the head administrator of a law
5 enforcement agency or an agency employing a law enforcement officer shall
6 submit a personnel change in status form as approved by the Nebraska
7 Police Standards Advisory Council to the director of the Nebraska Law
8 Enforcement Training Center within seven calendar days after the date a
9 law enforcement officer is hired by the agency or leaves employment with
10 the agency.

11 (2) Each law enforcement agency or agency employing a law
12 enforcement officer shall maintain a record regarding the reason or
13 reasons for, and circumstances surrounding, a separation of service for
14 each law enforcement officer employed by that agency. Such record shall
15 be retained for ten years following a law enforcement officer's
16 separation from the agency.

17 (3) Each law enforcement agency or agency employing a law
18 enforcement officer shall maintain a record of any and all records of
19 misconduct, disciplinary actions, and complaints against the law
20 enforcement officer during the time the law enforcement officer was

21 employed with the agency. Such record shall include any and all records
22 of conduct which could constitute: (a) Incompetence; (b) neglect of duty;
23 (c) incapacity; (d) dishonesty; (e) a felony violation of state or
24 federal law; (f) a misdemeanor violation of state or federal law, if the
25 violation has a rational connection with the officer's fitness or
26 capacity to serve as a law enforcement officer; and (g) a violation of
27 the officer's oath of office, code of ethics, or statutory duties. Such
1 record shall be retained for the duration of the law enforcement
2 officer's employment with the agency and for ten years following his or
3 her separation from the agency.
4 (4) The chief of police, sheriff, Superintendent of Law Enforcement
5 and Public Safety, or the head administrator of a law enforcement agency
6 or an agency employing a law enforcement officer shall make a report to
7 the Nebraska Commission on Law Enforcement and Criminal Justice of any
8 law enforcement officer who is terminated from employment or allowed to
9 resign in lieu of termination for conduct that could constitute: (a)
10 Incompetence; (b) neglect of duty; (c) incapacity; (d) dishonesty; (e) a
11 felony violation of state or federal law; (f) a misdemeanor violation of
12 state or federal law, if the violation has a rational connection with the
13 officer's fitness or capacity to serve as a law enforcement officer; and
14 (g) a violation of the officer's oath of office, code of ethics, or
15 statutory duties. The report shall include, but not be limited to, a
16 summary of the allegations pertaining to the officer and identification
17 of any witnesses relevant to the allegations, and shall be filed with the
18 commission within thirty calendar days of the termination or resignation
19 in lieu of termination.
20 (5) Failure to comply with this section shall constitute neglect of
21 duty.
22 (6) For purposes of this section:
23 (a) Felony has the same meaning as in section 81-1401;
24 (b) Incapacity has the same meaning as in section 81-1401;
25 (c) Law enforcement agency has the same meaning as in section
26 81-1401; and
27 (d) Law enforcement officer has the same meaning as in section
28 81-1401.
29 Sec. 2. (1) A person who is certified under section 81-1414 and who
30 seeks employment as a law enforcement officer in this state shall provide
31 a signed waiver to the prospective employer upon a conditional offer of
1 employment. The waiver must expressly allow the prospective employer to
2 contact the person's former employer or employers and obtain from each
3 copies of any records created under subsections (2) and (3) of section 1
4 of this act. The prospective employer is responsible for providing the
5 waiver to each former employer.
6 (2) The waiver required by this section shall be executed on a form
7 provided by the Nebraska Commission on Law Enforcement and Criminal
8 Justice to all agencies in this state that employ or administer oaths of
9 office to law enforcement officers certified by the commission.
10 (3) Upon receipt of the waiver, a former employer shall provide the
11 prospective employer, along with other information required or allowed to

12 be provided by law, copies of any records created under subsections (2)
13 and (3) of section 1 of this act. The names and any identifying
14 information in any records created under subsections (2) and (3) of this
15 section of any individual, witness, or law enforcement officer or
16 officers other than the person who signed the waiver shall be
17 confidential and not disclosed to the prospective employer.
18 (4) A prospective employer shall not hire as a law enforcement
19 officer a person to whom subsection (1) of this section applies unless
20 the prospective employer receives, from each of the person's former
21 employers, copies of any records created under subsections (2) and (3) of
22 section 1 of this act.
23 (5) A prospective employer shall not hire as a law enforcement
24 officer a person to whom subsection (1) of this section applies if such
25 person's former employer has provided notice to the Nebraska Commission
26 on Law Enforcement and Criminal Justice that the person's separation from
27 the former employer occurred under circumstances that may justify
28 revocation of the person's certification under section 81-1414 unless the
29 commission has reviewed the notification and issued a determination that
30 the person shall retain such certification.
31 (6) For purposes of this section:
1 (a) Former employer means the law enforcement agency or other agency
2 that currently employs or previously employed the person as a law
3 enforcement officer;
4 (b) Incapacity has the same meaning as in section 81-1401;
5 (c) Law enforcement agency has the same meaning as in section
6 81-1401;
7 (d) Law enforcement officer has the same meaning as in section
8 81-1401; and
9 (e) Prospective employer means the law enforcement agency or other
10 agency that is considering hiring the person as a law enforcement
11 officer.
12 Sec. 3. Section 81-1377, Reissue Revised Statutes of Nebraska, is
13 amended to read:
14 81-1377 (1) The Chief Negotiator or any other employer-
15 representative and the exclusive collective-bargaining agent for
16 employees under the Chief Negotiator's or employer-representative's
17 jurisdiction shall bargain and negotiate labor contracts in good faith
18 and reasonably in advance of the budget-making process.
19 (2) Retirement programs shall not be bargainable by or on behalf of
20 any state employee.
21 (3) Nothing in the disciplinary procedures or collective bargaining
22 agreement of the Nebraska State Patrol shall:
23 (a) Limit the discretion of the Superintendent of Law Enforcement
24 and Public Safety to disclose to the Legislature, the Nebraska Commission
25 on Law Enforcement and Criminal Justice, or a complainant the status or
26 outcome of an internal investigation or discipline;
27 (b) Limit the consideration by the patrol, for purposes of
28 progressive discipline, of disciplinary action in a prior case that
29 occurred within the ten years preceding the date such progressive

30 discipline is imposed;

31 (c) Limit the misconduct for which a new disciplinary proceeding may
 1 be initiated to misconduct that occurred within the two years preceding
 2 the date discipline is imposed;

3 (d) Require the release to a member who is under internal
 4 investigation for an allegation that could result in a charge of a Class
 5 I misdemeanor or felony or an allegation involving dishonesty, prior to
 6 the initial internal investigation interview, of reports and materials
 7 concerning the internal investigation of such member, except that the
 8 member shall be entitled to know the nature of the complaint underlying
 9 the investigation;

10 (e) Limit or restrict access by the individual or individuals
 11 conducting the internal investigation to materials, including records of
 12 current or past discipline or misconduct, regarding the member under
 13 investigation; or

14 (f) Prevent, limit, or restrict access by the Nebraska Commission on
 15 Law Enforcement and Criminal Justice to internal investigation reports or
 16 materials.

17 ~~(4)~~ ~~(3)~~ The obligation to negotiate in good faith shall not compel
 18 the Chief Negotiator or any other employer-representative or the
 19 exclusive collective-bargaining agent to agree to a proposal or make a
 20 concession.

21 ~~(5)~~ ~~(4)~~ All contracts involving state employees and negotiated
 22 pursuant to the Industrial Relations Act or the State Employees
 23 Collective Bargaining Act shall cover a two-year period coinciding with
 24 the biennial state budget, except that the first contract entered into by
 25 a bargaining unit may cover only the second fiscal year of the biennium.
 26 Sec. 4. Section 81-1425, Reissue Revised Statutes of Nebraska, is
 27 amended to read:

28 81-1425 The executive director of the commission shall:

29 (1) Supervise and be responsible for the administration of the
 30 policies established by the commission;

31 (2) Establish a Jail Standards subdivision and a Community
 1 Corrections Division within the commission and establish, consolidate, or
 2 abolish any administrative subdivision within the commission and appoint
 3 and remove for cause the heads thereof, and delegate appropriate powers
 4 and duties to them;

5 (3) Establish and administer projects and programs for the operation
 6 of the commission;

7 (4) Appoint and remove employees of the commission and delegate
 8 appropriate powers and duties to them;

9 (5) Make rules and regulations for the management and the
 10 administration of policies of the commission and the conduct of employees
 11 under his or her jurisdiction;

12 (6) Collect, develop, maintain, and analyze statistical information,
 13 records, and reports as the commission may determine relevant to its
 14 functions, including, but not limited to, the statistical information set
 15 forth in section 47-627;

16 (7) Transmit monthly to the commission a report of the operations of

17 the commission for the preceding calendar month;
18 (8) Execute and carry out the provisions of all contracts, leases,
19 and agreements authorized by the commission with agencies of federal,
20 state, or local government, corporations, or persons;
21 (9) Perform such additional duties as may be assigned to him or her
22 by the commission, by the chairperson of the commission, or by law;
23 (10) Appoint and remove for cause the director of the Nebraska Law
24 Enforcement Training Center;
25 (11) Appoint and remove for cause the director of the Office of
26 Violence Prevention; ~~and~~
27 (12) Subpoena witnesses and documents, files, internal investigation
28 materials, administrative files, records, memoranda, reports, personnel
29 records, disciplinary histories, or any materials the executive director
30 determines to be relevant, relating to law enforcement officer
31 certification revocation, from any law enforcement agency in the state;
1 and
2 (13) (12) Exercise all powers and perform all duties necessary and
3 proper in carrying out his or her responsibilities.
4 Sec. 5. (1) A state employee may make a report of sexual harassment
5 to the Department of Administrative Services. The department shall
6 investigate the report or ensure that an investigation is conducted by
7 the agency which employs the reporting employee.
8 (2) The department and the agency which employs the reporting
9 employee shall maintain the confidentiality of the reporting employee and
10 any other person making a report of sexual harassment or participating in
11 an investigation or internal agency proceeding under this section except:
12 (a) When disclosure is authorized in writing by such employee or
13 other person;
14 (b) The identity of such employee or other person may be disclosed
15 to the individual alleged to have committed the sexual harassment; and
16 (c) When necessary for conducting the investigation or imposing
17 discipline.
18 (3) The agency employing the reporting employee shall not retaliate
19 or discriminate against the reporting employee or any other person for:
20 (a) Initiating or participating in the making of a report of sexual
21 harassment; or
22 (b) Testifying, assisting, or participating in an investigation,
23 proceeding, or action concerning the sexual harassment.
24 Sec. 6. The changes made by this legislative bill shall not
25 abrogate any labor contracts that are in effect through June 30, 2019.
26 Sec. 7. Original sections 81-1377 and 81-1425, Reissue Revised
27 Statutes of Nebraska, are repealed.
28 Sec. 8. Since an emergency exists, this act takes effect when
29 passed and approved according to law.

(Signed) Joni Albrecht, Chairperson

AMENDMENT(S) - Print in Journal

Senator Murante filed the following amendment to LB1115:
AM2698

(Amendments to Standing Committee amendments, AM2664)

- 1 1. Strike amendment 1 and insert the following new amendment:
- 2 1. On page 2, lines 4 and 5, strike "the supreme court districts.";
- 3 in line 9 after "state" insert "as determined by the United States Bureau
- 4 of the Census from the most recent federal decennial census. If the
- 5 noncitizen population is not determined by the most recent federal
- 6 decennial census, the noncitizen population" and after the last "the"
- 7 insert "same year as the"; and in line 10 after "census" insert "shall be
- 8 used".

Senator Albrecht filed the following amendment to LB791:
AM2729

(Amendments to Standing Committee amendments, AM2708)

- 1 1. On page 1, line 26, strike "and" and insert "or".
- 2 2. On page 2, line 13, strike "and" and insert "or".
- 3 3. On page 4, line 25, after the comma insert "the Nebraska Police
- 4 Standards Advisory Council, the Nebraska Equal Opportunity Commission.";
- 5 and strike line 31 and insert the following new subdivision:
- 6 "(c) Limit the time during which a disciplinary investigation may be
- 7 initiated or discipline may be imposed to less than two years after the
- 8 occurrence of the conduct which is the subject of the investigation or
- 9 discipline.".
- 10 4. On page 5, strike lines 1 and 2.

SELECT FILE

LEGISLATIVE BILL 1009. ER138, found on page 1127, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 990. ER144, found on page 1180, was adopted.

Senator Schumacher offered the following amendment:
FA141

On page 2 at line 27 insert the following language:

(a)A person shall not be considered to have been adjudicated of a felony or a misdemeanor crime of domestic violence unless:

- (i)The person was represented by counsel in the juvenile court case; and
- (ii)Prior to adjudication, the person was advised of the specific legal consequences that an adjudication for such an act will have on the person's right to possess a firearm.

Amend 43-3102 to insert the following:

(e)If the allegations in the petition include a felony or a misdemeanor crime of domestic violence

SENATOR WILLIAMS PRESIDING

Senator Chambers offered the following motion:

MO305

Bracket until April 18, 2018.

Senator Chambers withdrew his motion to bracket.

The Schumacher amendment lost with 8 ayes, 25 nays, 14 present and not voting, and 2 excused and not voting.

Senator Wayne withdrew his amendments, FA129, FA131, and FA133, found on pages 1116 and 1117.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 990A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 741. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 923. ER132, found on page 1007, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 760. ER130, found on page 1007, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 803. ER131, found on page 1007, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 903. ER134, found on page 1028, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 745. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1098. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1091. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 865. ER140, found on page 1132, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 827. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 940. ER142, found on page 1133, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 940A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 906. ER141, found on page 1136, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 714. ER122, found on page 896, was adopted.

Senator Howard withdrew her amendments, AM2339 and AM2690, found on pages 911 and 1250.

Senator Howard offered the following amendment:
AM2715

(Amendments to Standing Committee amendments, AM1754)

1 1. Insert the following new sections:

2 Sec. 4. Upon the filing of a petition for emancipation, the court
3 shall fix a time for a hearing on the petition. The hearing shall be held
4 not less than forty-five days and not more than sixty days after the
5 filing of such petition unless any party for good cause shown requests a
6 continuance of the hearing or all parties agree to a continuance.

7 Sec. 5. (1) Upon filing a petition pursuant to section 4 of this
8 act, and at least thirty days prior to the hearing date, the petitioner
9 shall serve a notice of filing, together with a copy of the petition for
10 emancipation and a summons to appear at the hearing, upon:

11 (a) The parents or legal guardian of the minor or, if the parents or
12 legal guardian cannot be found, the nearest known relative of the minor
13 residing within the state, if any; and

14 (b) The legal custodian of the minor, if any.

15 (2) Service and summons shall be made in accordance with section
16 25-505.01.

17 (3) Upon a motion and showing by affidavit that service cannot be
18 made with reasonable diligence by any other method provided by statute,
19 the court may permit service to be made (a) by leaving the process at the
20 party's usual place of residence and mailing a copy by first-class mail
21 to the party's last-known address, (b) by publication, or (c) by any
22 manner reasonably calculated under the circumstances to provide the party
23 with actual notice of the proceedings and an opportunity to be heard.

24 Sec. 13. Section 25-307, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 25-307 Except as provided by the Nebraska Probate Code and sections
1 1 to 12 of this act, the action of an infant shall be commenced,

2 maintained, and prosecuted by his or her guardian or next friend. Such
3 actions may be dismissed with or without prejudice by the guardian or
4 next friend only with approval of the court. When the action is commenced
5 by his or her next friend, the court has power to dismiss it, if it is
6 not for the benefit of the infant, or to substitute the guardian of the
7 infant, or any person, as the next friend. Any action taken pursuant to
8 this section shall be binding upon the infant.

9 Sec. 14. Original section 25-307, Reissue Revised Statutes of
10 Nebraska, is repealed.

11 2. On page 1, line 25, strike "and"; and in line 26 after "(8)"
12 insert "That the minor is filing the petition as a free and voluntary
13 act; and
14 (9)".

15 3. On page 4, strike lines 29 through 31 and insert the following
16 new subsection:

17 "(4) Unless otherwise provided in the judgment of emancipation, the
18 judgment of emancipation shall explicitly suspend any order regarding
19 custody, parenting time, or support of the minor and be reported by the
20 district court clerk to the jurisdiction that issued such order.".

21 4. On page 5, strike lines 1 through 5; and strike lines 25 through
22 31 and insert the following new subsections:

23 "(3) Upon the filing of a motion for rescission, the court shall fix
24 a time for a hearing on the motion. The hearing shall be held not less
25 than forty-five days and not more than sixty days after the filing of
26 such motion unless any party for good cause shown requests a continuance
27 of the hearing or all parties agree to a continuance.

28 "(4)(a) Upon filing a motion pursuant to subsection 3 of this
29 section, and at least thirty days prior to the hearing date, the movant
30 shall serve a notice of filing, together with a copy of the motion for
31 rescission and a summons to appear at the hearing, upon:

1 (i) The emancipated person;

2 (ii) The parents or the person who was the legal guardian of the
3 emancipated person or, if the parents or legal guardian cannot be found,
4 the nearest known relative of the emancipated person residing within the
5 state, if any; and

6 (iii) The legal custodian of the emancipated person prior to
7 emancipation, if any.

8 (b) Service and summons shall be made in accordance with section
9 25-505.01.

10 (c) Upon a motion and showing by affidavit that service cannot be
11 made with reasonable diligence by any other method provided by statute,
12 the court may permit service to be made (i) by leaving the process at the
13 party's usual place of residence and mailing a copy by first-class mail
14 to the party's last-known address, (ii) by publication, or (iii) by any
15 manner reasonably calculated under the circumstances to provide the party
16 with actual notice of the proceedings and an opportunity to be heard.
17 (d)".

18 5. On page 6, after line 21, insert the following new subsection:

19 "(6) If a prior order regarding custody, parenting time, or support

20 of the minor was suspended by the judgment of emancipation, the order
 21 rescinding the judgment of emancipation shall be reported by the district
 22 court clerk to the jurisdiction that issued such order and shall serve to
 23 reinstate such prior order of custody, parenting time, or support."; in
 24 line 22 strike "(6)" and insert "(7)"; and in line 25 strike "(7)" and
 25 insert "(8)".

26 6. On page 6, strike beginning with line 1 through "(b)" in line 13.

27 7. Renumber the remaining sections and correct internal references
 28 accordingly.

The Howard amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 901. ER135, found on page 1028, was adopted.

Senator Bostelman offered his amendment, AM2614, found on page 1156.

The Bostelman amendment was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 596. ER136, found on page 1054, was adopted.

Senator Chambers offered his amendment, AM2578, found on page 1070.

PRESIDENT FOLEY PRESIDING

The Chambers amendment was adopted with 39 ayes, 1 nay, 6 present and not voting, and 3 excused and not voting.

Senator Kuehn offered his amendment, AM2523, found on page 1108.

The Kuehn amendment was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 729. Title read. Considered.

Committee AM2160, found on page 813, was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Senator Wayne withdrew his amendment, AM1623, found on page 416.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 944. Senator Scheer offered the following amendment:

AM2750

(Amendments to Standing Committee amendments, AM1699)

- 1 1. Insert the following new section:
- 2 Sec. 167. If any section in this act or any part of any section is
- 3 declared invalid or unconstitutional, the declaration shall not affect
- 4 the validity or constitutionality of the remaining portions.
- 5 2. On page 48, strike lines 5 through 18 and insert:
- 6 "Pursuant to the requirement of 42 U.S.C. 300a-6, as it existed on
- 7 January 1, 2018, that no funds disbursed under the Federal Title X
- 8 Program are to be used in programs where abortion is a method of family
- 9 planning, none of the funds disbursed under such program shall be paid or
- 10 granted to an organization that performs, assists with the performance
- 11 of, provides directive counseling in favor of, or refers for abortion.
- 12 Referral for an abortion is limited to the act of recommending a pregnant
- 13 woman to doctors, clinics, or other persons or entities for the purpose
- 14 of obtaining an abortion. Neutral, factual, nondirective information
- 15 about prenatal care and delivery, infant care, foster care, adoption, and
- 16 pregnancy termination or referral for an emergency situation in
- 17 accordance with subdivision (4) of section 28-326 shall not constitute a
- 18 referral for abortion. An otherwise qualified organization shall not be
- 19 disqualified from receipt of such funds because of its affiliation with
- 20 an organization that performs, assists with the performance of, provides
- 21 directive counseling in favor of, or refers for abortion, if the
- 22 affiliated organization is objectively independent of the qualified
- 23 organization. Objective independence includes, but is not limited to,
- 24 legal, physical, and financial separation between the affiliated
- 25 organization and the qualified organization."
- 26 3. Renumber the remaining sections and correct internal references
- 1 accordingly.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1089. Placed on Select File with amendment.
ER159

- 1 1. On page 1, line 4, after the first comma insert "77-3507,"; in
- 2 line 6 strike "section" and insert "sections 77-3508 and"; and strike
- 3 beginning with "to" in line 8 through the semicolon in line 9.

LEGISLATIVE BILL 994. Placed on Select File with amendment.
ER158

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. The Legislature finds and declares that:

4 (1) The availability, quality, and affordability of broadband
5 telecommunications service is important to the residents of Nebraska; and
6 (2) Because availability, quality, and affordability of broadband
7 telecommunications service is lacking in certain rural areas in Nebraska,
8 combined with greater investment in urban areas, the state may be facing
9 a digital divide.
10 It is the intent of the Legislature that broadband
11 telecommunications service in rural areas of the state should be
12 comparable in download and upload speed and price to urban areas in the
13 state where possible and that state resources should be utilized to
14 ensure that the rural residents of the state should not be penalized
15 simply because of their rural residence. It is further the intent of the
16 Legislature that the residents of this state should have access to
17 broadband telecommunications service at a minimum download speed of
18 twenty-five megabits per second and a minimum upload speed of three
19 megabits per second.
20 Sec. 2. (1) The Rural Broadband Task Force is hereby created. Task
21 force members shall include the chairperson of the Transportation and
22 Telecommunications Committee of the Legislature and a member of the
23 Legislature selected by the Executive Board of the Legislative Council
24 who shall both serve as nonvoting, ex officio members, a member of the
25 Public Service Commission who shall be selected by the chairperson of
26 such commission, the chairperson of the Nebraska Information Technology
27 Commission or his or her designee who shall act as chairperson of the
1 task force, the Director of Economic Development or his or her designee,
2 the Director of Agriculture or his or her designee, and the following
3 members to be appointed by the Governor: A representative of the
4 agribusiness community, a representative of the Nebraska business
5 community, a representative of the regulated wireline telecommunications
6 industry, a representative of the wireless telecommunications industry, a
7 representative of the public power industry, a representative of health
8 care providers, a representative of Nebraska postsecondary educational
9 institutions, and a representative of rural schools offering kindergarten
10 through grade twelve.
11 (2) The task force may appoint advisory groups to assist the task
12 force in providing technical expertise and advice on any issue. The
13 advisory groups may be composed of representatives of stakeholder groups
14 which may include, but not necessarily be limited to, representatives
15 from small and large wireline companies, wireless companies, public power
16 districts, electric cooperative corporations, cable television companies,
17 Internet service providers, low-income telecommunications and electric
18 utility customers, health care providers, and representatives of
19 educational sectors. No compensation or expense reimbursement shall be
20 provided to any member of any advisory group appointed by the task force.
21 (3) The Nebraska Information Technology Commission shall provide
22 staff assistance to the task force in consultation with staff from the
23 Public Service Commission and other interested parties. The task force
24 may hire consultants to assist in carrying out its duties. The task force
25 shall review issues relating to availability, adoption, and affordability
26 of broadband services in rural areas of Nebraska. In particular, the task
27 force shall:

28 (a) Determine how Nebraska rural areas compare to neighboring states
29 and the rest of the nation in average download and upload speeds and in
30 subscription rates to higher speed tiers, when available;
31 (b) Examine the role of the Nebraska Telecommunications Universal
1 Service Fund in bringing comparable and affordable broadband services to
2 rural residents and any effect of the fund in deterring or delaying
3 capital formation, broadband competition, and broadband deployment;
4 (c) Review the feasibility of alternative technologies and providers
5 in accelerating access to faster and more reliable broadband service for
6 rural residents;
7 (d) Examine alternatives for deployment of broadband services to
8 areas that remain unserved or underserved, such as reverse auction
9 programs described in section 4 of this act, public-private partnerships,
10 funding for competitive deployment, and other measures, and make
11 recommendations to the commission to encourage deployment in such areas;
12 (e) Recommend state policies to effectively utilize state universal
13 service fund dollars to leverage federal universal service fund support
14 and other federal funding;
15 (f) Make recommendations to the Governor and Legislature as to the
16 most effective and efficient ways that federal broadband rural
17 infrastructure funds received after the operative date of this section
18 should be expended if such funds become available; and
19 (g) Determine other issues that may be pertinent to the purpose of
20 the task force.
21 (4) Task force members shall serve on the task force without
22 compensation but shall be entitled to receive reimbursement for any
23 actual expenses incurred for such service as provided in sections 81-1174
24 to 81-1177.
25 (5) The task force shall meet at the call of the chairperson and
26 shall present its findings in a report to the Executive Board of the
27 Legislative Council no later than November 1, 2019, and by November 1
28 every odd-numbered year thereafter. The report shall be submitted
29 electronically.
30 (6) For purposes of this section, broadband services means high-
31 speed telecommunications capability at a minimum download speed of
1 twenty-five megabits per second and a minimum upload speed of three
2 megabits per second, and that enables users to originate and receive
3 high-quality voice, data, and video telecommunications using any
4 technology.
5 Sec. 3. The Rural Broadband Task Force Fund is created. The fund
6 shall be used to carry out the purposes of the Rural Broadband Task Force
7 as described in section 2 of this act. For administrative purposes, the
8 fund shall be located in the Nebraska Information Technology Commission.
9 The fund shall consist of money appropriated or transferred by the
10 Legislature and gifts, grants, or bequests from any source, including
11 federal, state, public, and private sources. Any money in the fund
12 available for investment shall be invested by the state investment
13 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
14 State Funds Investment Act.
15 Sec. 4. Based on consumer complaints or upon its own motion, the
16 Public Service Commission may open a docket to consider the

17 implementation and operation of a reverse auction program that awards
18 funding to broadband Internet service providers to support high-speed
19 Internet infrastructure deployment projects in unserved or underserved
20 exchanges within the State of Nebraska. The commission may, in its
21 discretion, withhold funding from the Nebraska Telecommunications
22 Universal Service Fund to any telecommunications company that has not
23 served, to the commission's satisfaction, those areas with service that
24 meets the criteria for successful investment of funding from the Nebraska
25 Telecommunications Universal Service Fund.

26 The commission shall adopt and promulgate rules and regulations that
27 establish standards governing the withholding of funding from the
28 Nebraska Telecommunications Universal Service Fund from any recipient,
29 including the provision of notice and the right to a hearing prior to the
30 issuance of an order withdrawing such funding. If the commission
31 withdraws funding from the Nebraska Telecommunications Universal Service
1 Fund from any telecommunications company, the commission may use the
2 funding that is withdrawn to implement and operate a reverse auction
3 program, except that any funding that is withdrawn shall be utilized in
4 the exchange area for which the funding was originally granted. The
5 commission shall have wide discretion in the design, implementation, and
6 operation of a reverse auction program but may use as a guide the program
7 designed by the Federal Communications Commission in its Connect America
8 Fund Phase II Auction process.

9 Sec. 5. (1) The Public Service Commission shall establish and
10 maintain a registry of locations within the State of Nebraska for
11 complaints made to the commission regarding the lack of appropriate
12 coverage for wireless telecommunications service.

13 (2) The commission may utilize the information maintained in the
14 registry only for making any determination related to the granting of
15 funds through any program administered by the commission to support the
16 construction of wireless telecommunications service facilities.

17 (3) For purposes of this section, lack of appropriate coverage means
18 a geographic area where a wireless device is not able to receive a signal
19 from the wireless service provider's network whereby an individual is
20 unable to use a wireless device.

21 (4) The commission shall adopt and promulgate any rules and
22 regulations required to carry out this section.

23 Sec. 6. Section 77-2704.51, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 77-2704.51 Sales and use taxes shall not be imposed on the gross
26 receipts from the sale, lease, or rental of and the storage, use, or
27 other consumption in this state of:

28 (1) Telecommunications sales of telecommunications service between
29 telecommunications companies, including division of revenue, settlements,
30 or carrier access charges; or -

31 (2) Dark fiber as defined in section 86-574 between
1 telecommunications companies.

2 Sec. 7. Section 86-579, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 86-579 The Nebraska Internet Enhancement Fund is created. The fund
5 shall be used to provide financial assistance to install and deliver

6 broadband or other advanced telecommunications infrastructure and service
7 throughout the state. It is the intent of the Legislature that two
8 hundred fifty thousand dollars shall be appropriated to the fund to be
9 used for startup costs and seed money for FY2001-02. The Public Service
10 Commission may receive gifts, contributions, property, and equipment from
11 public and private sources for purposes of the fund. The fund shall
12 consist of money appropriated by the Legislature, any money transferred
13 pursuant to section 86-127, and gifts, grants, or bequests from any
14 source, including money remitted to the fund pursuant to section 86-577
15 and any other federal, state, public, and private sources. Money in the
16 fund shall be distributed by the commission pursuant to section 86-580.
17 Transfers from the fund to the General Fund may be made at the direction
18 of the Legislature. Any money in the Nebraska Internet Enhancement Fund
19 available for investment shall be invested by the state investment
20 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
21 State Funds Investment Act.
22 The State Treasurer shall transfer one hundred thousand dollars from
23 the Nebraska Internet Enhancement Fund to the General Fund on or before
24 July 15, 2003.
25 The State Treasurer shall transfer fifty thousand dollars from the
26 Nebraska Internet Enhancement Fund to the Rural Broadband Task Force Fund
27 on or before July 15, 2018.
28 Sec. 8. Sections 1, 2, 3, 4, 5, 7, and 9 of this act become
29 operative on July 1, 2018. Sections 6 and 10 of this act become operative
30 on October 1, 2018. The other sections of this act become operative on
31 their effective date.
1 Sec. 9. Original section 86-579, Reissue Revised Statutes of
2 Nebraska, is repealed.
3 Sec. 10. Original section 77-2704.51, Reissue Revised Statutes of
4 Nebraska, is repealed.
5 Sec. 11. Since an emergency exists, this act takes effect when
6 passed and approved according to law.
7 2. On page 1, strike lines 2 through 10 and insert "sections
8 77-2704.51 and 86-579, Reissue Revised Statutes of Nebraska; to state
9 intent; to create the Rural Broadband Task Force; to provide powers and
10 duties; to create the Rural Broadband Task Force Fund; to provide powers
11 and duties for the Public Service Commission; to exempt dark fiber from
12 sales and use taxes as prescribed; to provide for a transfer from the
13 Nebraska Internet Enhancement Fund; to provide operative dates; to repeal
14 the original sections; and to declare an emergency."

LEGISLATIVE BILL 994A. Placed on Select File.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 194. Placed on General File with amendment.
AM2587 is available in the Bill Room.

(Signed) Brett Lindstrom, Chairperson

AMENDMENT(S) - Print in Journal

Senator Albrecht filed the following amendment to LB953:
AM2742

(Amendments to Standing Committee amendments, AM1779)

1 1. On page 2, line 10, after the second comma insert "a description
2 of the medical, surgical, or hospital expenses incurred for treatment of
3 the injury that will remain unpaid as part of the settlement which are
4 disputed and for which compensability has been denied by the employer.";
5 in line 11 after "be" insert "reasonably"; in line 23 after "If" insert
6 "the expenses for"; strike beginning with "resolution" in line 27 through
7 "payment" in line 28 and insert "nonpayment or nonreimbursement"; in line
8 28 strike "services" and insert "expenses, as"; and in line 29 strike
9 "for approval of a lump-sum settlement" and insert an underscored comma.
10 2. On page 3, line 1, strike "resolution of payment" and insert
11 "nonpayment or nonreimbursement"; in line 2 strike "services" and insert
12 "expenses"; in line 9 strike "for an order approving the settlement";
13 strike beginning with "for" in line 15 through "settlement" in line 16;
14 in line 23 after the period insert "An order approving an application
15 under this subsection shall, in any case in which the employee is
16 represented by counsel and in which the application contains a
17 description of the medical, surgical, or hospital expenses incurred for
18 treatment of the injury that will remain unpaid as part of the settlement
19 which are disputed and for which compensability has been denied by the
20 employer, provide that the employer is not liable for such expenses.";
21 and after line 30 insert the following new subdivision:
22 "(d) An exclusion from coverage in any health, accident, or other
23 insurance policy covering an employee which provides that coverage under
24 such insurance policy does not apply if such employee is entitled to
25 workers' compensation coverage is void as to such employee if his or her
26 employer is not liable for medical, surgical, or hospital expenses
1 incurred for treatment of an injury that will remain unpaid as part of
2 the settlement pursuant to an order entered under subdivision (2)(c) of
3 this section.".

VISITORS

Visitors to the Chamber were 53 fourth-grade students from Louisville; Erin Sheehan, Alexis Lipson, and Brette Petersen; and Father Tom Fangman of St. Patrick's in Elkhorn.

RECESS

At 6:01 p.m., on a motion by Senator Ebke, the Legislature recessed until 6:30 p.m.

AFTER RECESS

The Legislature reconvened at 6:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Groene, Larson, Murante, Watermeier, Wayne, and Wishart who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 944. The Scheer amendment, AM2750, found in this day's Journal, was renewed.

Senator Stinner offered the following motion:

MO307

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner moved for a call of the house. The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Senator Stinner requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 43:

Albrecht	Crawford	Hilkemann	Linehan	Stinner
Baker	Ebke	Howard	Lowe	Thibodeau
Blood	Erdman	Hughes	McCollister	Vargas
Bolz	Friesen	Kolowski	McDonnell	Walz
Bostelman	Geist	Kolterman	Murante	Watermeier
Brasch	Groene	Krist	Quick	Williams
Brewer	Halloran	Kuehn	Riepe	Wishart
Briese	Harr	Larson	Scheer	
Clements	Hilgers	Lindstrom	Smith	

Voting in the negative, 4:

Chambers Morfeld Pansing Brooks Schumacher

Present and not voting, 2:

Hansen Wayne

The Stinner motion to invoke cloture prevailed with 43 ayes, 4 nays, and 2 present and not voting.

The Scheer amendment was adopted with 40 ayes, 4 nays, and 5 present and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 44:

Albrecht	Crawford	Hilkemann	Linehan	Smith
Baker	Ebke	Howard	Lowe	Stinner
Blood	Erdman	Hughes	McCollister	Thibodeau
Bolz	Friesen	Kolowski	McDonnell	Vargas
Bostelman	Geist	Kolterman	Murante	Walz
Brasch	Groene	Krist	Quick	Watermeier
Brewer	Halloran	Kuehn	Riepe	Williams
Briese	Harr	Larson	Scheer	Wishart
Clements	Hilgers	Lindstrom	Schumacher	

Voting in the negative, 4:

Chambers Morfeld Pansing Brooks Wayne

Present and not voting, 1:

Hansen

Advanced to Enrollment and Review for Engrossment with 44 ayes, 4 nays, and 1 present and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Vargas filed the following amendment to LB670:
AM2714

(Amendments to Standing Committee amendments, AM2093)

- 1 1. Strike sections 13 and 15 and insert the following new sections:
- 2 Sec. 6. Section 43-1238, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 43-1238 (a) Except as otherwise provided in section 43-1241, a court
- 5 of this state has jurisdiction to make an initial child custody
- 6 determination only if:
- 7 (1) this state is the home state of the child on the date of the
- 8 commencement of the proceeding or was the home state of the child within
- 9 six months before the commencement of the proceeding and the child is
- 10 absent from this state but a parent or person acting as a parent
- 11 continues to live in this state;
- 12 (2) a court of another state does not have jurisdiction under
- 13 subdivision (a)(1) of this section, or a court of the home state of the
- 14 child has declined to exercise jurisdiction on the ground that this state
- 15 is the more appropriate forum under section 43-1244 or 43-1245, and:
- 16 (A) the child and the child's parents, or the child and at least one
- 17 parent or a person acting as a parent, have a significant connection with
- 18 this state other than mere physical presence; and

19 (B) substantial evidence is available in this state concerning the
 20 child's care, protection, training, and personal relationships;
 21 (3) all courts having jurisdiction under subdivision (a)(1) or (a)
 22 (2) of this section have declined to exercise jurisdiction on the ground
 23 that a court of this state is the more appropriate forum to determine the
 24 custody of the child under section 43-1244 or 43-1245; or
 25 (4) no court of any other state would have jurisdiction under the
 26 criteria specified in subdivision (a)(1), (a)(2), or (a)(3) of this
 1 section.

2 (b) Subsection (a) of this section is the exclusive jurisdictional
 3 basis for making a child custody determination by a court of this state.
 4 In addition to having jurisdiction to make judicial determinations about
 5 the custody and care of the child, a court of this state with exclusive
 6 jurisdiction under subsection (a) of this section has jurisdiction and
 7 authority to make factual findings regarding (1) the abuse, abandonment,
 8 or neglect of the child, (2) the nonviability of reunification with at
 9 least one of the child's parents due to such abuse, abandonment, neglect,
 10 or a similar basis under state law, and (3) whether it would be in the
 11 best interests of such child to be removed from the United States to a
 12 foreign country, including the child's country of origin or last habitual
 13 residence. If there is sufficient evidence to support such factual
 14 findings, the court shall issue an order containing such findings when
 15 requested by one of the parties or upon the court's own motion.

16 (c) Physical presence of, or personal jurisdiction over, a party or
 17 a child is not necessary or sufficient to make a child custody
 18 determination.

19 Sec. 14. Sections 1, 2, 3, 4, 5, 11, 12, 13, and 16 of this act
 20 become operative three calendar months after the adjournment of this
 21 legislative session. The other sections of this act become operative on
 22 their effective date.

23 Sec. 16. Original sections 43-248, 43-250, 43-251.02, and 43-1238,
 24 Reissue Revised Statutes of Nebraska, sections 71-1940, 83-4,125, and
 25 83-4,134.01, Revised Statutes Cumulative Supplement, 2016, and sections
 26 43-246.02 and 43-286, Revised Statutes Supplement, 2017, are repealed.
 27 2. Renumber the remaining sections.

Senator Bolz filed the following amendment to LB793:
 AM2753

1 1. Strike the original sections and insert the following new
 2 sections:

3 Section 1. Section 68-1111, Revised Statutes Cumulative Supplement,
 4 2016, is amended to read:
 5 68-1111 Sections 68-1111 to 68-1119 and section 9 of this act shall
 6 be known and may be cited as the Aging and Disability Resource Center
 7 Demonstration Project Act.

8 Sec. 2. Section 68-1113, Revised Statutes Cumulative Supplement,
 9 2016, is amended to read:
 10 68-1113 The purpose of the Aging and Disability Resource Center
 11 Demonstration Project Act is to evaluate the feasibility of establishing
 12 aging and disability resource centers statewide to provide information
 13 about long-term care services and support available in the home and

14 community for older Nebraskans or persons with disabilities, family
 15 caregivers, and persons who request information or assistance on behalf
 16 of others and to assist eligible individuals to access the most
 17 appropriate public and private resources to meet their long-term care
 18 needs.

19 It is the intent of the Legislature that aging and disability
 20 resource centers serve as an ongoing component of Nebraska's long-term
 21 care continuum and that aging and disability resource center sites
 22 coordinate and establish contractual provider partnerships as necessary
 23 with organizations specializing in serving aging persons and persons with
 24 disabilities to provide the services described in the act.

25 Sec. 3. Section 68-1114, Revised Statutes Cumulative Supplement,
 26 2016, is amended to read:

27 68-1114 For purposes of the Aging and Disability Resource Center
 1 ~~Demonstration Project~~ Act:

2 (1) Aging and disability resource center means a community-based
 3 entity established to provide information about long-term care services
 4 and support and to facilitate access to options counseling to assist
 5 eligible individuals and their representatives in identifying the most
 6 appropriate services to meet their long-term care needs;

7 (2) Area agency on aging has the meaning found in section 81-2208;

8 (3) Center for independent living has the definition found in 29
 9 U.S.C. 796a, as such section existed on January 1, ~~2018~~ 2015;

10 (4) Department means the State Unit on Aging of the Division of
 11 Medicaid and Long-Term Care of the Department of Health and Human
 12 Services or any successor agency designated by the state to fulfill the
 13 responsibilities of section 305(a)(1) of the federal Older Americans Act
 14 of 1965, 42 U.S.C 3025(a)(1), as such section existed on January 1, ~~2018~~
 15 2015;

16 (5) Eligible individual means a person who has lost, never acquired,
 17 or has one or more conditions that affect his or her ability to perform
 18 basic activities of daily living that are necessary to live
 19 independently;

20 (6) Options counseling means a service that assists an eligible
 21 individual in need of long-term care and his or her representatives to
 22 make informed choices about the services and settings which best meet his
 23 or her long-term care needs and that uses uniform data and information
 24 collection assessments and encourages the widest possible use of
 25 community-based options to allow an eligible individual to live as
 26 independently as possible in the setting of his or her choice;

27 (7) Representative means a person designated as a legal guardian,
 28 designated by a power of attorney or a health care power of attorney, or
 29 chosen by law, by a court, or by an eligible individual seeking services,
 30 but use of the term representative shall not be construed to disqualify
 31 an individual who retains all legal and personal autonomy;

1 (8) Uniform assessment means a single standardized tool used to
 2 assess a defined population at a specific time; and

3 (9) University Center for Excellence in Developmental Disability
 4 Education, Research and Service means the federally designated University
 5 Center for Excellence in Developmental Disability Education, Research and
 6 Service of the Munroe-Meyer Institute at the University of Nebraska

7 Medical Center.

8 Sec. 4. Section 68-1115, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

10 68-1115 The department shall adopt criteria for evaluating plans to
11 operate an aging and disability resource center based on the requirements
12 in section 68-1116 within sixty days after the effective date of this
13 act. The department shall award funding grants for ~~three~~ aging and
14 disability resource centers. The department shall pursue federal matching
15 funds as applicable and allocate such funds to the aging and disability
16 resource centers center demonstration projects. ~~The department shall~~
17 ~~adopt criteria for evaluating proposals to operate an aging and~~
18 ~~disability resource center demonstration project based on the~~
19 ~~requirements in section 68-1116 and release a request for proposals~~
20 ~~within sixty days after August 30, 2015.~~

21 Sec. 5. Section 68-1116, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 68-1116 (1) ~~The aging and disability resource centers center~~
24 ~~demonstration projects shall be established to evaluate the feasibility~~
25 ~~of establishing aging and disability resource centers statewide as a~~
26 ~~means of promoting appropriate, effective, and efficient use of long-term~~
27 ~~care resources.~~ ~~The aging and disability resource center demonstration~~
28 ~~projects shall operate through June 30, 2018.~~

29 (2) Each aging and disability resource center ~~demonstration project~~
30 shall provide one or more of the following services:

31 (a) ~~(1)~~ Comprehensive information on the full range of available
1 public and private long-term care programs, options, financing, service
2 providers, and resources within a community, including information on the
3 availability of integrated long-term care;

4 (b) Options counseling;

5 (c) ~~(2)~~ Assistance in accessing and applying for public benefits
6 programs;

7 ~~(3) Options counseling;~~

8 (d) ~~(4)~~ A convenient point of entry to the range of publicly
9 supported long-term care programs for an eligible individual;

10 (e) ~~(5)~~ A process for identifying unmet service needs in communities
11 and developing recommendations to respond to those unmet needs;

12 (f) ~~(6)~~ Facilitation of person-centered transition support to assure
13 that an eligible individual is able to find the services and support that
14 are most appropriate to his or her need;

15 (g) ~~(7)~~ Mobility management to promote the appropriate use of public
16 transportation services by a person who does not own or is unable to
17 operate an automobile; and

18 (h) ~~(8)~~ A home care provider registry that will provide a person who
19 needs home care with the names of home care providers and information
20 about his or her rights and responsibilities as a home care consumer.

21 Sec. 6. Section 68-1117, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 68-1117 (1) ~~An~~ Within sixty days after the release date of a request
24 for proposals under section 68-1115, an area agency on aging shall
25 establish a contractual provider partnership with one or more lead
26 organizations that specialize in serving , after consultation with a

27 ~~collaboration of organizations that serve aging persons and persons with~~
 28 ~~congenital and acquired disabilities to provide services as described in~~
 29 ~~subsection (2) of section 68-116, including, but not limited to, centers~~
 30 ~~for independent living and the University Center for Excellence in~~
 31 ~~Developmental Disability Education, Research and Service, for the purpose~~
 1 ~~of developing an aging and disability resource center plan. After~~
 2 ~~consultation with a collaboration of and with other organizations,~~
 3 ~~including, but not limited to, organizations providing advocacy,~~
 4 ~~protection, and safety for aging persons and persons with congenital and~~
 5 ~~acquired disabilities, the partnership may submit to the department a~~
 6 ~~proposal to establish an aging and disability resource center plan~~
 7 ~~demonstration project. The plan proposal shall specify how organizations~~
 8 ~~currently serving eligible individuals will be engaged in the process of~~
 9 ~~delivery of services through the aging and disability resource center~~
 10 ~~demonstration project. The proposal shall be developed in consultation~~
 11 ~~with eligible individuals and their representatives. The plan proposal~~
 12 ~~shall indicate how resources will be utilized by the partnership and~~
 13 ~~collaborating organizations to fulfill the responsibilities of an aging~~
 14 ~~and disability resource center demonstration project.~~
 15 (2) ~~Two or more area agencies on aging and their partner lead~~
 16 ~~organizations may develop a joint proposal to establish an aging and~~
 17 ~~disability resource center plan demonstration project to serve all or a~~
 18 ~~portion of their planning-and-service areas. A joint plan proposal shall~~
 19 ~~provide information on how the services described in section 68-1116 will~~
 20 ~~be provided in the counties to be served by the aging and disability~~
 21 ~~resource center demonstration project described in the joint proposal.~~
 22 Sec. 7. Section 68-1118, Revised Statutes Cumulative Supplement,
 23 2016, is amended to read:
 24 68-1118 ~~The department shall provide~~ Within thirty days after
 25 ~~receipt of a proposal developed pursuant to subsection (1) or (2) of~~
 26 ~~section 68-1117, the department shall review the proposal and determine~~
 27 ~~whether the proposal is eligible for funding. The department shall select~~
 28 ~~three proposals for funding. The department shall enter into a contract~~
 29 ~~with an independent institution having experience in evaluating aging and~~
 30 ~~disability programs for an evaluation of the aging and disability~~
 31 ~~resource center demonstration projects. The contract shall require that a~~
 1 ~~report evaluating the aging and disability resource centers demonstration~~
 2 ~~projects be presented to the Clerk of the Legislature prior to December~~
 3 ~~1, of 2016, 2017, and 2018, and each December 1 thereafter.~~
 4 Sec. 8. Section 68-1119, Revised Statutes Cumulative Supplement,
 5 2016, is amended to read:
 6 68-1119 ~~The department shall reimburse each area agency on aging and~~
 7 ~~contracted provider partner lead organizations described in section~~
 8 ~~68-1117 operating an aging and disability resource center demonstration~~
 9 ~~project on a schedule agreed to by the department and the area agency on~~
 10 ~~aging and contracted provider partner lead organizations. Such~~
 11 ~~reimbursement shall be made from (1) state funds appropriated by the~~
 12 ~~Legislature, (2) federal funds allocated to the department for the~~
 13 ~~purpose of establishing and operating aging and disability resource~~
 14 ~~centers, and (3) other funds as available.~~
 15 Sec. 9. The Aging and Disability Resource Center Act terminates two

16 years after the effective date of this act unless extended by the
17 Legislature.
18 Sec. 10. Section 83-1216, Revised Statutes Supplement, 2017, is
19 amended to read:
20 83-1216 (1) The department shall administer the medicaid home and
21 community-based services waivers upon application approval by the federal
22 Centers for Medicare and Medicaid Services. Beginning July 1, ~~2021~~ 2019,
23 persons determined to be eligible for specialized services who on or
24 after September 6, 1993, graduate from high school, reach the age of
25 twenty-one years, or are currently receiving services shall receive
26 services in accordance with the Developmental Disabilities Services Act.
27 The amount of funding for any person receiving services shall be
28 determined using an objective assessment process developed by the
29 department and approved by the federal Centers for Medicare and Medicaid
30 Services.
31 (2) The department shall provide directly or by contract service
1 coordination to Nebraska residents found to be eligible for specialized
2 services.
3 (3) It is the intent of the Legislature that the department take all
4 possible steps to maximize federal funding. All Nebraska residents
5 eligible for funding for specialized services through the department
6 shall apply for and accept any federal medicaid benefits for which they
7 may be eligible and benefits from other funding sources within the
8 department, the State Department of Education, specifically including the
9 Division of Rehabilitation Services, and other agencies to the maximum
10 extent possible.
11 (4) The priorities for funding the medicaid home and community-based
12 services waivers under this section are as follows:
13 (a) The first funding priority of the state shall be responding to
14 the needs of persons with developmental disabilities in immediate crisis
15 due to caregiver death, homelessness, or a threat to the life and safety
16 of the person;
17 (b) The second funding priority of the state in responding to the
18 needs of persons with developmental disabilities shall be for persons
19 that have resided in an institutional setting for a period of at least
20 twelve consecutive months and who are requesting community-based
21 services;
22 (c) The third funding priority of the state in responding to the
23 needs of persons with developmental disabilities shall be for serving
24 wards of the department or persons placed under the supervision of the
25 Office of Probation Administration by the Nebraska court system who are
26 transitioning upon age nineteen with no other alternatives as determined
27 by the department to support residential services necessary to pursue
28 economic self-sufficiency;
29 (d) The fourth funding priority of the state in responding to the
30 needs of persons with developmental disabilities shall be for serving
31 persons transitioning from the education system upon attaining twenty-one
1 years of age to maintain skills and receive the day services necessary to
2 pursue economic self-sufficiency; and
3 (e) The fifth funding priority of the state in responding to the
4 needs of persons with developmental disabilities shall be for serving all

5 other persons by date of application.

6 Sec. 11. There is hereby appropriated (1) \$636,415 from the
 7 Nebraska Health Care Cash Fund for FY2018-19 and (2) \$478,207 from the
 8 Nebraska Health Care Cash Fund for FY2019-20 to the Department of Health
 9 and Human Services, for Program 33, to aid in carrying out the provisions
 10 of Legislative Bill 793, One Hundred Fifth Legislature, Second Session,
 11 2018.

12 Total expenditures for permanent and temporary salaries and per
 13 diems from funds appropriated in this section shall not exceed \$161,272
 14 for FY2018-19 or \$206,047 for FY2019-20.

15 Sec. 12. There is hereby appropriated (1) \$732,201 from the
 16 Nebraska Health Care Cash Fund for FY2018-19 and (2) \$799,022 from the
 17 Nebraska Health Care Cash Fund for FY2019-20 to the Department of Health
 18 and Human Services, for Program 514, to aid in carrying out the
 19 provisions of Legislative Bill 793, One Hundred Fifth Legislature, Second
 20 Session, 2018.

21 No expenditures for permanent and temporary salaries and per diems
 22 for state employees shall be made from funds appropriated in this
 23 section.

24 Sec. 13. Original sections 68-1111, 68-1113, 68-1114, 68-1115,
 25 68-1116, 68-1117, 68-1118, and 68-1119, Revised Statutes Cumulative
 26 Supplement, 2016, and section 83-1216, Revised Statutes Supplement, 2017,
 27 are repealed.

28 Sec. 14. Since an emergency exists, this act takes effect when
 29 passed and approved according to law.

MOTION(S) - Print in Journal

Senator Chambers filed the following motion to LB944:
 MO306
 Bracket until April 18, 2018.

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB944:
 FA142
 Amend AM2750
 Page 1, line 2 strike beginning with "If" through the period in line 4, and
 renumber.

Senator Kolterman filed the following amendment to LB1034:
 AM2676

1 1. Insert the following new sections:
 2 Section 1. Section 38-2025, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 38-2025 The following classes of persons shall not be construed to
 5 be engaged in the unauthorized practice of medicine:
 6 (1) Persons rendering gratuitous services in cases of emergency;
 7 (2) Persons administering ordinary household remedies;
 8 (3) The members of any church practicing its religious tenets,
 9 except that they shall not prescribe or administer drugs or medicines,

10 perform surgical or physical operations, nor assume the title of or hold
11 themselves out to be physicians, and such members shall not be exempt
12 from the quarantine laws of this state;

13 (4) Students of medicine who are studying in an accredited school or
14 college of medicine and who gratuitously prescribe for and treat disease
15 under the supervision of a licensed physician;

16 (5) Physicians who serve in the armed forces of the United States or
17 the United States Public Health Service or who are employed by the United
18 States Department of Veterans Affairs or other federal agencies, if their
19 practice is limited to that service or employment;

20 (6) Physicians who are licensed in good standing to practice
21 medicine under the laws of another state when incidentally called into
22 this state or contacted via electronic or other medium for consultation
23 with a physician licensed in this state. For purposes of this
24 subdivision, consultation means evaluating the medical data of the
25 patient as provided by the treating physician and rendering a
26 recommendation to such treating physician as to the method of treatment
27 or analysis of the data. The interpretation of a radiological image by a
1 physician who specializes in radiology is not a consultation;

2 (7) Physicians who are licensed in good standing to practice
3 medicine in another state but who, from such other state, order
4 diagnostic or therapeutic services on an irregular or occasional basis,
5 to be provided to an individual in this state, if such physicians do not
6 maintain and are not furnished for regular use within this state any
7 office or other place for the rendering of professional services or the
8 receipt of calls;

9 (8) Physicians who are licensed in good standing to practice
10 medicine in another state and who, on an irregular and occasional basis,
11 are granted temporary hospital privileges to practice medicine and
12 surgery at a hospital or other medical facility licensed in this state;

13 (9) Persons providing or instructing as to use of braces, prosthetic
14 appliances, crutches, contact lenses, and other lenses and devices
15 prescribed by a physician licensed to practice medicine while working
16 under the direction of such physician;

17 (10) Dentists practicing their profession when licensed and
18 practicing in accordance with the Dentistry Practice Act;

19 (11) Optometrists practicing their profession when licensed and
20 practicing under and in accordance with the Optometry Practice Act;

21 (12) Osteopathic physicians practicing their profession if licensed
22 and practicing under and in accordance with sections 38-2029 to 38-2033;

23 (13) Chiropractors practicing their profession if licensed and
24 practicing under the Chiropractic Practice Act;

25 (14) Podiatrists practicing their profession when licensed and
26 practicing under and in accordance with the Podiatry Practice Act;

27 (15) Psychologists practicing their profession when licensed and
28 practicing under and in accordance with the Psychology Practice Act;

29 (16) Advanced practice registered nurses practicing in their
30 clinical specialty areas when licensed under the Advanced Practice
31 Registered Nurse Practice Act and practicing under and in accordance with

1 their respective practice acts;
2 (17) Surgical first assistants practicing in accordance with the
3 Surgical First Assistant Practice Act;
4 (18) Persons licensed or certified under the laws of this state to
5 practice a limited field of the healing art, not specifically named in
6 this section, when confining themselves strictly to the field for which
7 they are licensed or certified, not assuming the title of physician,
8 surgeon, or physician and surgeon, and not professing or holding
9 themselves out as qualified to prescribe drugs in any form or to perform
10 operative surgery;
11 (19) Persons obtaining blood specimens while working under an order
12 of or protocols and procedures approved by a physician, registered nurse,
13 or other independent health care practitioner licensed to practice by the
14 state if the scope of practice of that practitioner permits the
15 practitioner to obtain blood specimens; ~~and~~
16 (20) Physicians who are licensed in good standing to practice
17 medicine under the laws of another state or jurisdiction who accompany an
18 athletic team or organization into this state for an event from the state
19 or jurisdiction of licensure. This exemption is limited to treatment
20 provided to such athletic team or organization while present in Nebraska;
21 and
22 (21) (20) Other trained persons employed by a licensed health care
23 facility or health care service defined in the Health Care Facility
24 Licensure Act or clinical laboratory certified pursuant to the federal
25 Clinical Laboratories Improvement Act of 1967, as amended, or Title XVIII
26 or XIX of the federal Social Security Act to withdraw human blood for
27 scientific or medical purposes.
28 Any person who has held or applied for a license to practice
29 medicine and surgery in this state, and such license or application has
30 been denied or such license has been refused renewal or disciplined by
31 order of limitation, suspension, or revocation, shall be ineligible for
1 the exceptions described in subdivisions (5) through (8) of this section
2 until such license or application is granted or such license is renewed
3 or reinstated. Every act or practice falling within the practice of
4 medicine and surgery as defined in section 38-2024 and not specially
5 excepted in this section shall constitute the practice of medicine and
6 surgery and may be performed in this state only by those licensed by law
7 to practice medicine in Nebraska.
8 Sec. 2. Section 38-2026, Reissue Revised Statutes of Nebraska, is
9 amended to read:
10 38-2026 Except as otherwise provided in sections 38-2026.01 and
11 38-2027, each applicant for a license to practice medicine and surgery
12 shall:
13 (1)(a) Present proof that he or she is a graduate of an accredited
14 school or college of medicine, (b) if a foreign medical graduate, provide
15 a copy of a permanent certificate issued by the Educational Commission
16 ~~for~~ Foreign Medical Graduates that is currently effective and relates
17 to such applicant or provide such credentials as are necessary to certify
18 that such foreign medical graduate has successfully passed the Visa

19 Qualifying Examination or its successor or equivalent examination
20 required by the United States Department of Health and Human Services and
21 the United States Citizenship and Immigration Services, or (c) if a
22 graduate of a foreign medical school who has successfully completed a
23 program of American medical training designated as the Fifth Pathway and
24 who additionally has successfully passed the Educational Commission for
25 ~~on~~ Foreign Medical Graduates examination but has not yet received the
26 permanent certificate attesting to the same, provide such credentials as
27 certify the same to the Division of Public Health of the Department of
28 Health and Human Services;

29 (2) Present proof that he or she has served at least one year of
30 graduate medical education approved by the board or, if a foreign medical
31 graduate, present proof that he or she has served at least two ~~three~~
1 years of graduate medical education approved by the board;

2 (3) Pass a licensing examination approved by the board covering
3 appropriate medical subjects; and

4 (4) Present proof satisfactory to the department that he or she,
5 within the three years immediately preceding the application for
6 licensure, (a) has been in the active practice of the profession of
7 medicine and surgery in some other state, a territory, the District of
8 Columbia, or Canada for a period of one year, (b) has had at least one
9 year of graduate medical education as described in subdivision (2) of
10 this section, (c) has completed continuing education in medicine and
11 surgery approved by the board, (d) has completed a refresher course in
12 medicine and surgery approved by the board, or (e) has completed the
13 special purposes examination approved by the board.

14 Sec. 3. Section 71-474, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 71-474 A person may not advertise to the public, by way of any
17 medium, that a hospital is a comprehensive stroke center, a designated
18 thrombectomy-capable stroke center, a primary stroke center, or an acute
19 stroke-ready hospital unless the hospital is listed as such by the
20 Department of Health and Human Services under the Stroke System of Care
21 Act.

22 Sec. 5. Section 71-4204, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 71-4204 The department shall designate hospitals as comprehensive
25 stroke centers, thrombectomy-capable stroke centers, primary stroke
26 centers, or ~~and~~ acute stroke-ready hospitals based on certification from
27 the American Heart Association, the Joint Commission on Accreditation of
28 Healthcare Organizations, or another nationally recognized, guidelines-
29 based organization that provides certification for stroke care, as such
30 certification existed on the effective date of this act July 21, 2016.

31 The department shall compile and maintain a list of such hospitals and
1 post the list on the department's web site. Before June 1 of each year,
2 the department shall send the list to the physician medical director of
3 each emergency medical service licensed pursuant to the Emergency Medical
4 Services Practice Act.

5 Sec. 6. Section 71-4205, Revised Statutes Cumulative Supplement,

6 2016, is amended to read:

7 71-4205 A hospital that is designated as a comprehensive stroke
8 center, a thrombectomy-capable stroke center, or a primary stroke center
9 may enter into a coordinating stroke care agreement with an acute stroke-
10 ready hospital to provide appropriate access to care for acute stroke
11 patients. The agreement shall be in writing and shall include, at a
12 minimum:

13 (1) A transfer agreement for the transport and acceptance of any
14 stroke patient seen by the acute stroke-ready hospital for stroke
15 treatment therapies which the acute stroke-ready hospital is not capable
16 of providing; and

17 (2) Communication criteria and protocol with the acute stroke-ready
18 hospital.

19 Sec. 7. Section 71-4209, Revised Statutes Cumulative Supplement,
20 2016, is amended to read:

21 71-4209 (1) The department shall establish a stroke system of care
22 task force to address matters of triage, treatment, and transport of
23 possible acute stroke patients. The task force shall include
24 representation from the department, including a program created by the
25 department to address chronic disease prevention and control issues
26 including cardiovascular health, the Emergency Medical Services Program
27 created by the department, and the Office of Rural Health, the American
28 Stroke Association, the Nebraska State Stroke Association, hospitals
29 designated as comprehensive stroke centers under the Stroke System of
30 Care Act, hospitals designated as primary stroke centers under the act,
31 hospitals designated as thrombectomy-capable stroke centers under the
1 act, rural hospitals, physicians, and emergency medical services licensed
2 pursuant to the Emergency Medical Services Practice Act.

3 (2) The task force shall provide advice and recommendations to the
4 department regarding the implementation of the Stroke System of Care Act.
5 The task force shall focus on serving both rural and urban areas. The
6 task force shall provide advice regarding protocols for the assessment,
7 stabilization, and appropriate routing of stroke patients by emergency
8 medical services and for coordination and communication between
9 hospitals, comprehensive stroke centers, primary stroke centers, and
10 other support services necessary to assure all residents of Nebraska have
11 access to effective and efficient stroke care.

12 (3) The task force shall recommend eligible essential health care
13 services for acute stroke care provided through telehealth as defined in
14 section 71-8503.

15 2. Renumber the remaining sections and correct the repealer
16 accordingly.

GENERAL FILE

LEGISLATIVE BILL 1040. Committee AM1995, found on page 767 and
considered on page 1250, was renewed.

The committee amendment was adopted with 30 ayes, 1 nay, 13 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 902. Title read. Considered.

Senator Chambers offered the following motion:

MO308

Bracket until April 18, 2018.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 944. Placed on Final Reading.

ST50

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Appropriations Committee amendments, AM1699:
 - a. On page 2, line 8, "147" has been struck and "148" inserted; and
 - b. On page 45, lines 16 and 23, "Medically Underserved Cash Fund" has been struck and "Health Care Homes for the Medically Underserved Fund" inserted.
2. On page 1, line 18, "to provide severability;" has been inserted after the first semicolon.

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Harr filed the following amendment to LB947:

AM2682

(Amendments to Standing Committee amendments, AM2542)

- 1 1. On page 8, line 28, strike "7.62" and insert "7.33"; in line 29
- 2 after the semicolon insert "and"; and in line 31 strike "and before
- 3 January 1, 2021".
- 4 2. On page 9, line 2, strike "7.43" and insert "6.84"; in line 3
- 5 strike the semicolon and insert an underscored period; and strike lines 4
- 6 through 17.

Senator Krist filed the following amendment to LB1090:

AM2754

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Section 1. Section 77-118, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:

4 77-118 Nebraska adjusted basis shall mean the adjusted basis of
5 property as determined under the Internal Revenue Code increased by the
6 total amount allowed under the code for depreciation or amortization or
7 pursuant to an election to expense depreciable property under section 179
8 of the code. For purposes of this section, all references to the Internal
9 Revenue Code shall mean the Internal Revenue Code of 1986, as it existed
10 prior to December 22, 2017.

11 2. On page 1, line 1, strike "section" and insert "sections 77-118
12 and"; and in line 3 after the semicolon insert "to redefine a term;".
13 3. On page 8, line 13, strike "section" and insert "sections 77-118
14 and".
15 4. Renumber the remaining sections accordingly.

VISITORS

The Doctor of the Day was Dr. Michael Keralis from Lincoln.

ADJOURNMENT

At 9:02 p.m., on a motion by Senator Crawford, the Legislature adjourned
until 9:00 a.m., Thursday, March 29, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SECOND DAY - MARCH 29, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 29, 2018

PRAYER

The prayer was offered by Reverend Beverly Melchor-Young, Riverside Baptist Church, Tekamah.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Albrecht and McDonnell who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-first day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 28, 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

Feser, Adam
First Five Nebraska
Mahoney, Maureen
Consumer Reports, Inc.
Paden, Nicholas K.
Cox Communications (Withdrawn 03/28/2018)
Sharpe, Bridget
Professional Beauty Association (Withdrawn 03/26/2018)
Shelburn, Jessica
Americans for Prosperity

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>

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 42.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,265 and 71-1907, Revised Statutes Cumulative Supplement, 2016, and section 60-6,267, Revised Statutes Supplement, 2017; to redefine a term; to change provisions relating to child passenger restraint requirements; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Baker	Clements	Harr	Linehan	Stinner
Blood	Crawford	Hilgers	McCollister	Thibodeau
Bolz	Ebke	Hilkemann	Morfeld	Vargas
Bostelman	Friesen	Howard	Pansing Brooks	Walz
Brasch	Geist	Kolowski	Quick	Watermeier
Brewer	Groene	Kolterman	Riepe	Wayne
Briese	Halloran	Krist	Schumacher	Williams
Chambers	Hansen	Lindstrom	Smith	Wishart

Voting in the negative, 2:

Erdman Murante

Present and not voting, 5:

Hughes Kuehn Larson Lowe Scheer

Excused and not voting, 2:

Albrecht McDonnell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB104 with 33 ayes, 3 nays, 11 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 104.

A BILL FOR AN ACT relating to health care decisions; to amend sections 25-2728 and 30-1601, Reissue Revised Statutes of Nebraska, and section 71-4843, Revised Statutes Cumulative Supplement, 2016; to adopt the Health Care Surrogacy Act; to provide penalties; to provide for appeals; to change provisions relating to anatomical gifts; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Hilkemann	Lowe	Stinner
Baker	Ebke	Howard	McCollister	Thibodeau
Blood	Erdman	Hughes	Morfeld	Vargas
Bolz	Friesen	Kolowski	Murante	Walz
Bostelman	Geist	Kolterman	Pansing Brooks	Watermeier
Brasch	Groene	Krist	Quick	Wayne
Brewer	Halloran	Kuehn	Riepe	Williams
Briese	Hansen	Larson	Scheer	Wishart
Chambers	Harr	Lindstrom	Schumacher	
Clements	Hilgers	Linehan	Smith	

Voting in the negative, 0.

Excused and not voting, 1:

McDonnell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 157.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-316, 86-318, 86-328, 86-902, 86-903, 86-904, and 86-905, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change a

provision of the Nebraska Telecommunications Universal Service Fund Act; to change the prepaid wireless surcharge determination and duties of sellers and the Department of Revenue under the Prepaid Wireless Surcharge Act; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Ebke	Howard	McCollister	Thibodeau
Baker	Erdman	Hughes	Morfeld	Vargas
Bolz	Friesen	Kolowski	Murante	Watermeier
Bostelman	Geist	Kolterman	Pansing Brooks	Wayne
Brasch	Groene	Krist	Quick	Williams
Brewer	Halloran	Kuehn	Riepe	Wishart
Briese	Hansen	Larson	Scheer	
Chambers	Harr	Lindstrom	Schumacher	
Clements	Hilgers	Linehan	Smith	
Crawford	Hilkemann	Lowe	Stinner	

Voting in the negative, 0.

Present and not voting, 2:

Blood Walz

Excused and not voting, 1:

McDonnell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 379. With Emergency Clause.

A BILL FOR AN ACT relating to state government; to amend sections 82-129 and 82-130, Reissue Revised Statutes of Nebraska, and section 13-2704.01, Revised Statutes Cumulative Supplement, 2016; to state intent; to create a fund; to provide for grants from the Civic and Community Center Financing Fund; to change provisions relating to the Willa Cather historical buildings; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

Albrecht	Crawford	Hilkemann	Lowe	Smith
Baker	Ebke	Howard	McCollister	Stinner
Blood	Erdman	Hughes	McDonnell	Thibodeau
Bolz	Friesen	Kolowski	Morfeld	Vargas
Bostelman	Geist	Kolterman	Murante	Walz
Brasch	Groene	Krist	Pansing Brooks	Watermeier
Brewer	Halloran	Kuehn	Quick	Wayne
Briese	Hansen	Larson	Riepe	Williams
Chambers	Harr	Lindstrom	Scheer	Wishart
Clements	Hilgers	Linehan	Schumacher	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 685.

A BILL FOR AN ACT relating to the Developmental Disabilities Services Act; to amend section 83-1216, Revised Statutes Supplement, 2017; to provide an additional funding priority relating to military dependents with special needs; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Howard	McCollister	Stinner
Baker	Ebke	Hughes	McDonnell	Thibodeau
Blood	Erdman	Kolowski	Morfeld	Vargas
Bolz	Friesen	Kolterman	Murante	Walz
Bostelman	Geist	Krist	Pansing Brooks	Watermeier
Brasch	Groene	Kuehn	Quick	Wayne
Brewer	Hansen	Larson	Riepe	Williams
Briese	Harr	Lindstrom	Scheer	Wishart
Chambers	Hilgers	Linehan	Schumacher	
Clements	Hilkemann	Lowe	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Halloran

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 697.

A BILL FOR AN ACT relating to courts; to amend section 24-301.02, Reissue Revised Statutes of Nebraska; to change the boundaries of certain district court judicial districts; to eliminate obsolete provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Crawford	Hilkemann	Lowe	Smith
Baker	Ebke	Howard	McCollister	Stinner
Blood	Erdman	Hughes	McDonnell	Thibodeau
Bolz	Friesen	Kolowski	Morfeld	Vargas
Bostelman	Geist	Kolterman	Murante	Walz
Brasch	Groene	Krist	Pansing Brooks	Watermeier
Brewer	Halloran	Kuehn	Quick	Wayne
Briese	Hansen	Larson	Riepe	Williams
Chambers	Harr	Lindstrom	Scheer	Wishart
Clements	Hilgers	Linehan	Schumacher	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 702.

A BILL FOR AN ACT relating to children; to amend sections 42-369, 43-512.12, 43-512.15, and 44-3,144, Reissue Revised Statutes of Nebraska; to change provisions relating to children's health care coverage; to change provisions relating to Title IV-D child support order modification procedures; to change child support procedures as related to incarcerated individuals; to redefine terms; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Crawford	Hilkemann	Lowe	Smith
Baker	Ebke	Howard	McCollister	Stinner
Blood	Erdman	Hughes	McDonnell	Thibodeau
Bolz	Friesen	Kolowski	Morfeld	Vargas
Bostelman	Geist	Kolterman	Murante	Walz
Brasch	Groene	Krist	Pansing Brooks	Watermeier
Brewer	Halloran	Kuehn	Quick	Wayne
Briese	Hansen	Larson	Riepe	Williams
Chambers	Harr	Lindstrom	Scheer	Wishart
Clements	Hilgers	Linehan	Schumacher	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 724.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend section 9-650, Reissue Revised Statutes of Nebraska; to provide for segregation of keno funds, electronic fund transfers, and deposit of gross proceeds by a sales outlet location as prescribed; to provide powers and duties for the Department of Revenue and the Tax Commissioner; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Albrecht	Crawford	Hilkemann	McCollister	Thibodeau
Baker	Ebke	Howard	McDonnell	Vargas
Blood	Erdman	Hughes	Morfeld	Walz
Bolz	Friesen	Kolowski	Murante	Watermeier
Bostelman	Geist	Kolterman	Pansing Brooks	Wayne
Brasch	Groene	Krist	Quick	Williams
Brewer	Halloran	Kuehn	Riepe	Wishart
Briese	Hansen	Larson	Scheer	
Chambers	Harr	Lindstrom	Smith	
Clements	Hilgers	Lowe	Stinner	

Voting in the negative, 0.

Present and not voting, 2:

Linehan Schumacher

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 773.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-632, 28-634, and 28-1310, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to prohibited uses of scanning devices and encoding machines; to change provisions relating to intimidation by telephone call; to prohibit intimidation by electronic communication; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Hilkemann	Lowe	Stinner
Baker	Ebke	Howard	McCollister	Thibodeau
Blood	Erdman	Hughes	McDonnell	Vargas
Bolz	Friesen	Kolowski	Murante	Walz
Bostelman	Geist	Kolterman	Pansing Brooks	Watermeier
Brasch	Groene	Krist	Quick	Wayne
Brewer	Halloran	Kuehn	Riepe	Williams
Briese	Hansen	Larson	Scheer	Wishart
Chambers	Harr	Lindstrom	Schumacher	
Clements	Hilgers	Linehan	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Morfeld

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 913.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-929.02 and 28-934, Reissue Revised Statutes of Nebraska; to change provisions relating to assault with a bodily fluid against a public safety officer; to include a health care professional and harmonize a signage requirement; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Ebke	Howard	McCollister	Stinner
Baker	Erdman	Hughes	McDonnell	Thibodeau
Blood	Friesen	Kolowski	Morfeld	Walz
Bolz	Geist	Kolterman	Murante	Watermeier
Bostelman	Groene	Krist	Pansing Brooks	Wayne
Brasch	Halloran	Kuehn	Quick	Williams
Brewer	Hansen	Larson	Riepe	Wishart
Briese	Harr	Lindstrom	Scheer	
Chambers	Hilgers	Linehan	Schumacher	
Clements	Hilkemann	Lowe	Smith	

Voting in the negative, 0.

Present and not voting, 2:

Crawford Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 931.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-101 and 28-401.01, Revised Statutes Supplement, 2017; to provide requirements for prescriptions; to harmonize provisions; to provide termination dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Howard	McCollister	Stinner
Baker	Ebke	Hughes	McDonnell	Thibodeau
Blood	Erdman	Kolowski	Morfeld	Vargas
Bolz	Friesen	Kolterman	Murante	Walz
Bostelman	Geist	Krist	Pansing Brooks	Watermeier
Brasch	Halloran	Kuehn	Quick	Wayne
Brewer	Hansen	Larson	Riepe	Williams
Briese	Harr	Lindstrom	Scheer	Wishart
Chambers	Hilgers	Linehan	Schumacher	
Clements	Hilkemann	Lowe	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Groene

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB993 with 41 ayes, 3 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 993. With Emergency Clause.

A BILL FOR AN ACT relating to 911 service; to amend sections 86-442, 86-459, 86-462, 86-465, 86-466, and 86-904, Reissue Revised Statutes of Nebraska, and sections 86-458, 86-1001, 86-1004, 86-1025, 86-1026, 86-1027, and 86-1028, Revised Statutes Cumulative Supplement, 2016; to define a term; to create and provide duties for 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 fund, a study, and a termination date; to harmonize provisions; to repeal the original sections; to outright repeal sections 86-443.01 and 86-471, Reissue Revised Statutes of Nebraska, section 86-1030, Revised Statutes Cumulative Supplement, 2016, and section 86-463, Revised Statutes Supplement, 2017; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

Albrecht	Crawford	Hilkemann	Lowe	Smith
Baker	Ebke	Howard	McCollister	Stinner
Blood	Erdman	Hughes	McDonnell	Thibodeau
Bolz	Friesen	Kolowski	Morfeld	Vargas
Bostelman	Geist	Kolterman	Murante	Walz
Brasch	Groene	Krist	Pansing Brooks	Watermeier
Brewer	Halloran	Kuehn	Quick	Wayne
Briese	Hansen	Larson	Riepe	Williams
Chambers	Harr	Lindstrom	Scheer	Wishart
Clements	Hilgers	Linehan	Schumacher	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 993A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 993, One Hundred Fifth Legislature, Second Session, 2018; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Howard	McCollister	Stinner
Baker	Ebke	Hughes	McDonnell	Thibodeau
Blood	Erdman	Kolowski	Morfeld	Vargas
Bolz	Friesen	Kolterman	Murante	Walz
Bostelman	Geist	Krist	Pansing Brooks	Watermeier
Brasch	Halloran	Kuehn	Quick	Wayne
Brewer	Hansen	Larson	Riepe	Williams
Briese	Harr	Lindstrom	Scheer	Wishart
Chambers	Hilgers	Linehan	Schumacher	
Clements	Hilkemann	Lowe	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Groene

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1078 with 40 ayes, 3 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1078.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-285 and 43-1311.02, Reissue Revised Statutes of Nebraska, and sections 43-1303, 43-4318, and 43-4406, Revised Statutes Supplement, 2017; to provide for waiver of notice of placement notifications; to provide for a written sibling

placement report and change provisions relating to sibling visitation and placement; to provide for additional information relating to foster care placements as prescribed; to require reporting of allegations of sexual abuse as prescribed; to eliminate obsolete provisions regarding the N-FOCUS system; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Crawford	Hilkemann	Lowe	Smith
Baker	Ebke	Howard	McCollister	Stinner
Blood	Erdman	Hughes	McDonnell	Thibodeau
Bolz	Friesen	Kolowski	Morfeld	Vargas
Bostelman	Geist	Kolterman	Murante	Walz
Brasch	Groene	Krist	Pansing Brooks	Watermeier
Brewer	Halloran	Kuehn	Quick	Wayne
Briese	Hansen	Larson	Riepe	Williams
Chambers	Harr	Lindstrom	Scheer	Wishart
Clements	Hilgers	Linehan	Schumacher	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 42, 104, 157, 379, 685, 697, 702, 724, 773, 913, 931, 993, 993A, and 1078.

AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB477:
AM2559

(Amendments to Standing Committee amendments, AM2409)

- 1 1. Strike amendments 1 and 2 and insert the following new
- 2 amendments:
- 3 1. On page 3, line 28, after the semicolon insert "or"; and strike
- 4 lines 29 through 31 and insert the following new subdivision:
- 5 "(19) Advertise an automotive spark ignition engine fuel that is not
- 6 available at all fueling positions without showing the price and fueling
- 7 position where such fuel is available in equal time and in equal size,
- 8 letter type, and wattage on any signs of the fueling station where such
- 9 fuel is available. Each fueling position shall be clearly marked and
- 10 identified to match the advertised information."
- 11 2. On page 4, strike lines 1 through 12.

MOTION(S) - Place LB1069 on General File

Senator Brasch offered her motion, MO296, found on page 1143, to place LB1069 on General File pursuant to Rule 3, Section 20(b).

Senator Thibodeau moved the previous question. The question is, "Shall the debate now close?"

Senator Thibodeau moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Senator Brasch requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 27:

Albrecht	Erdman	Hilgers	Lowe	Smith
Bostelman	Friesen	Hughes	McCollister	Thibodeau
Brasch	Geist	Kuehn	McDonnell	Watermeier
Brewer	Groene	Larson	Murante	
Briese	Halloran	Lindstrom	Riepe	
Clements	Harr	Linehan	Scheer	

Voting in the negative, 13:

Baker	Chambers	Krist	Quick	Wishart
Blood	Crawford	Morfeld	Schumacher	
Bolz	Kolowski	Pansing Brooks	Wayne	

Present and not voting, 7:

Ebke	Howard	Stinner	Williams
Hansen	Kolterman	Vargas	

Excused and not voting, 2:

Hilkemann	Walz
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The motion to cease debate prevailed with 27 ayes, 13 nays, 7 present and not voting, and 2 excused and not voting.

Senator Brasch requested a roll call vote on the motion to place LB1069 on General File.

Voting in the affirmative, 27:

Albrecht	Erdman	Hilgers	Lowe	Smith
Bostelman	Friesen	Hughes	McCollister	Thibodeau
Brasch	Geist	Kuehn	McDonnell	Watermeier
Brewer	Groene	Larson	Murante	
Briese	Halloran	Lindstrom	Riepe	
Clements	Harr	Linehan	Scheer	

Voting in the negative, 13:

Baker	Chambers	Kolowski	Pansing Brooks	Wishart
Blood	Crawford	Krist	Schumacher	
Bolz	Hansen	Morfeld	Wayne	

Present and not voting, 7:

Ebke	Kolterman	Stinner	Williams
Howard	Quick	Vargas	

Excused and not voting, 2:

Hilkemann Walz

The Brasch motion to place LB1069 on General File prevailed with 27 ayes, 13 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 841. Senator Chambers withdrew his motion, MO302, found on page 1212, to recommit to the Judiciary Committee.

Committee AM2092, found on page 816 and considered on page 1211, was renewed.

The committee amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 1 nay, 4 present and not voting, and 7 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 29, 2018, at 9:59 a.m. were the following: LBs 42, 104, 157, 379e, 685, 697, 702, 724, 773, 913, 931, 993e, 993Ae, and 1078.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB1081A:
AM2756

- 1 1. Insert the following new section:
- 2 Sec. 2. There is hereby appropriated \$35,000 from the General Fund
- 3 for FY2019-20 to the State Department of Education, for Program 25, to
- 4 aid in carrying out the provisions of Legislative Bill 1081, One Hundred
- 5 Fifth Legislature, Second Session, 2018.
- 6 2. On page 2, line 5, strike "15,896,270" and insert "15,951,270";
- 7 and in line 10 strike "41,404,547" and insert "41,459,547".
- 8 3. Renumber the remaining section accordingly.

Senator Hansen filed the following amendment to LB791:
AM2744

(Amendments to Standing Committee amendments, AM2708)

- 1 1. Strike section 3 and insert the following new section:
- 2 Sec. 3. Nothing in the disciplinary procedures of the Nebraska
- 3 State Patrol shall:
- 4 (1) Limit the discretion of the Superintendent of Law Enforcement
- 5 and Public Safety to disclose to the Legislature, the Nebraska Commission
- 6 on Law Enforcement and Criminal Justice, the Nebraska Police Standards
- 7 Advisory Council, the Nebraska Equal Opportunity Commission, or a
- 8 complainant the status or outcome of an internal investigation or
- 9 discipline;
- 10 (2) Limit the consideration by the patrol, for purposes of
- 11 progressive discipline, of disciplinary action in a prior case that
- 12 occurred within the ten years preceding the date such progressive
- 13 discipline is imposed;
- 14 (3) Limit the time during which a disciplinary investigation may be
- 15 initiated or discipline may be imposed to less than two years after the
- 16 occurrence of the conduct which is the subject of the investigation or
- 17 discipline;
- 18 (4) Require the release to a member who is under internal
- 19 investigation for an allegation that could result in a charge of a Class
- 20 I misdemeanor or felony or an allegation involving dishonesty, prior to
- 21 the initial internal investigation interview, of reports and materials
- 22 concerning the internal investigation of such member, except that the
- 23 member shall be entitled to know the nature of the complaint underlying
- 24 the investigation;
- 25 (5) Limit or restrict access by the individual or individuals
- 26 conducting the internal investigation to materials, including records of
- 1 current or past discipline or misconduct, regarding the member under
- 2 investigation; or
- 3 (6) Prevent, limit, or restrict access by the Nebraska Commission on
- 4 Law Enforcement and Criminal Justice to internal investigation reports or
- 5 materials.
- 6 2. Correct the repealer accordingly.

Senator Kuehn filed the following amendment to LB935:

AM2757

(Amendments to E&R amendments, ER115)

1 1. Insert the following new sections:

2 Sec. 6. Section 81-12,147, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 81-12,147 (1) The Department of Economic Development shall use the
5 Site and Building Development Fund to finance loans, grants, subsidies,
6 credit enhancements, and other financial assistance for industrial site
7 and building development and for expenses of the department as
8 appropriated by the Legislature for administering the fund. Transfers may
9 be made from the Site and Building Development Fund to the General Fund
10 at the direction of the Legislature. The State Treasurer shall transfer
11 ninety-one thousand seven hundred dollars from the Site and Building
12 Development Fund to the General Fund on or before June 30, 2019, on such
13 dates and in such amounts as directed by the budget administrator of the
14 budget division of the Department of Administrative Services. The State
15 Treasurer shall transfer one hundred fourteen thousand nine hundred
16 dollars from the Site and Building Development Fund to the General Fund
17 on or before June 30, 2020, on such dates and in such amounts as directed
18 by the budget administrator of the budget division of the Department of
19 Administrative Services.

20 (2) The following activities are eligible for assistance from the
21 Site and Building Development Fund fund:

22 (a) ~~(1)~~ Grants or zero-interest loans to villages, cities, or
23 counties to acquire land, infuse infrastructure, or otherwise make large
24 sites and buildings ready for industrial development;

25 (b) ~~(2)~~ Matching funds for new construction, rehabilitation, or
26 acquisition of land and buildings to assist villages, cities, and
1 counties;

2 (c) ~~(3)~~ Technical assistance, design and finance services, and
3 consultation for villages, cities, and counties for the preparation and
4 creation of industrial-ready sites and buildings;

5 (d) ~~(4)~~ Loan guarantees for eligible projects;

6 (e) ~~(5)~~ Projects making industrial-ready sites and buildings more
7 accessible to business and industry;

8 (f) ~~(6)~~ Infrastructure projects necessary for the development of
9 industrial-ready sites and buildings; and

10 (g) ~~(7)~~ Projects that mitigate the economic impact of a closure or
11 downsizing of a private-sector entity by making necessary improvements to
12 buildings and infrastructure.

13 Sec. 8. Since an emergency exists, this act takes effect when
14 passed and approved according to law.

15 2. On page 2, line 4; and page 6, line 10, after "to" insert "all
16 of".

17 3. On page 2, lines 9 and 14; and page 6, lines 15 and 20, strike
18 "new employees" and insert "employees at the project who are not base-
19 year employees".

20 4. On page 2, line 10; and page 6, line 16, strike "All" and insert

- 21 "For any taxpayer that is not a railroad, all".
 22 5. On page 2, line 13; and page 6, line 19, strike "An" and insert
 23 "For any taxpayer that is not a railroad, an".
 24 6. On page 6, strike beginning with "until" in line 25 through line
 25 31 and insert "through the end of the carryover period, except that such
 26 reporting requirement shall no longer apply if the taxpayer withdraws
 27 from participation in the Nebraska Advantage Act or the Department of
 28 Revenue terminates the taxpayer's participation in the Nebraska Advantage
 29 Act".
 30 7. On page 7, strike line 1; and in line 11 strike "77-5701 and
 31 77-5723" and insert "77-5701, 77-5723, and 81-12,147".
 1 8. Renumber the remaining section accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 470. Introduced by Clements, 2.

WHEREAS, LaVane Johnson will be honored as an inductee into the Nebraska Eight-Man Football Hall of Fame; and

WHEREAS, LaVane was instrumental in Eagle High School securing an undefeated football season in 1959 as he set a single-season state record by scoring 218 points; and

WHEREAS, in just nine games, LaVane scored 33 touchdowns, had 20 conversions, and carried the ball 159 times for 1,848 yards; and

WHEREAS, LaVane also amassed 303 yards passing and 115 unassisted tackles and averaged 35 yards per punt during his senior season; and

WHEREAS, the Omaha World Herald and Lincoln Journal Star both awarded LaVane 1st Team All-State honors. He was also cited as the best Eight-Man player of the 1959 season and was selected as one of Nebraska's All-Class Top 10 Athletes; and

WHEREAS, in the summer of 1960, LaVane was selected to play in the Nebraska Shrine Bowl and received a football scholarship from the University of Nebraska; and

WHEREAS, the induction ceremony for the Nebraska Eight-Man Football Hall of Fame will be held at halftime of the 41st annual Sertoma Eight-Man All-Star Game on Saturday, June 16, 2018, in Hastings.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates LaVane Johnson on being inducted into the Nebraska Eight-Man Football Hall of Fame.
2. That a copy of this resolution be sent to LaVane Johnson.

Laid over.

VISITORS

Visitors to the Chamber were from Heartland Workers Center of Omaha; 35 tenth- through twelfth-grade students and teachers from Lincoln Northstar High School; Brian and Maralee Bradley and family; 12 fourth-grade students from Faith Christian School, Kearney; and 36 fourth-grade students from Tekamah-Herman Schools.

The Doctor of the Day was Dr. Doug States from North Platte.

ADJOURNMENT

At 12:19 p.m., on a motion by Senator Kuehn, the Legislature adjourned until 9:00 a.m., Tuesday, April 3, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-THIRD DAY - APRIL 3, 2018
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION
FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 3, 2018

PRAYER

The prayer was offered by Pastor Johnny Walker, West First Chapel, McCook.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Blood and Crawford who were excused; and Senators Hansen, Murante, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1307, line 10, strike "page 1116" and insert "pages 1116 and 1117".
The Journal for the fifty-first day was approved as corrected.

The Journal for the fifty-second day was approved.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 731. Placed on Select File with amendment.
ER166

1 1. On page 1, strike beginning with "controlled" in line 1 through
2 line 8 and insert "public health; to amend sections 38-131, 38-145,
3 38-1001, 38-1004, 38-1005, 38-1017, 38-1018, 38-1028, 38-1036, 38-1038,
4 38-1043, 38-1058, 38-1061, 38-1062, 38-1063, 38-1065, 38-1069, 38-1073,
5 38-1074, 38-1075, 38-1086, 38-1097, 38-1099, 38-10,100, 38-10,102,
6 38-10,103, 38-10,104, 38-10,105, 38-10,107, 38-10,108, 38-10,112,
7 38-10,120, 38-10,128, 38-10,129, 38-10,131, 38-10,133, 38-10,135,
8 38-10,142, 38-10,147, 38-10,150, 38-10,152, 38-10,153, 38-10,154,
9 38-10,156, 38-10,171, 38-2833, 38-2847, 38-2891, 38-28,106, 38-3208,
10 71-203, 71-204, 71-208.08, 71-224, and 71-425, Reissue Revised Statutes
11 of Nebraska, sections 71-202.01, 71-208, 71-403, 71-2448, and 71-2483,

12 Revised Statutes Cumulative Supplement, 2016, and sections 38-1066,
 13 38-1070, 38-10132, 38-2801, 38-2802, 38-2870, 38-2892, and 71-401,
 14 Revised Statutes Supplement, 2017; to require criminal background checks
 15 for physical therapists and physical therapy assistants; to require
 16 continuing education regarding the prescribing of opiates; to define,
 17 redefine, change, and eliminate definitions and provide for licensure of
 18 mobile cosmetology salons and mobile nail technology salons under the
 19 Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
 20 Practice Act; to eliminate certain provisions relating to cosmeticians,
 21 cosmetic establishments, electrology establishments, guest artists, guest
 22 body artists, students, and schools; to change licensure requirements for
 23 cosmetologists, nail technicians, instructors, and barbers; to change and
 24 eliminate requirements for salons, colleges, and schools; to eliminate
 25 liability of managers as prescribed; to authorize practice for purposes
 26 of the Respiratory Care Practice Act; to provide for licensing of mobile
 27 barber shops under the Barber Act; to change provisions relating to
 1 dispensing of controlled substances; to provide for licensure of remote
 2 dispensing pharmacies under the Pharmacy Practice Act and the Health Care
 3 Facility Licensure Act; to adopt the Physical Therapy Licensure Compact;
 4 to harmonize provisions; to provide operative dates; to provide
 5 severability; to repeal the original sections; and to outright repeal
 6 sections 38-1013, 38-1014, 38-1022, 38-1029, 38-1030, 38-1071, 38-1072,
 7 38-1091, 38-1092, 38-1093, 38-1094, 38-1095, 38-1096, 38-10106, and
 8 38-10155, Reissue Revised Statutes of Nebraska."

LEGISLATIVE BILL 731A. Placed on Select File.

LEGISLATIVE BILL 1070. Placed on Select File with amendment.

ER160

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 79-499, Revised Statutes Cumulative Supplement,
 4 2016, is amended to read:
 5 79-499 (1) Commencing with the 1992-93 school year, if the fall
 6 school district membership or the average daily membership of an existing
 7 Class II or III school district shows ~~fewer~~ less than thirty-five
 8 students in grades nine through twelve, the district shall submit a plan
 9 for developing cooperative programs with other high schools, including
 10 the sharing of curriculum and certificated and noncertificated staff, to
 11 the State Committee for the Reorganization of School Districts. The
 12 cooperative program plan shall be submitted by the school district by
 13 September 1 of the year following such fall school district membership or
 14 average daily membership report. A cooperative program plan shall not be
 15 required if there is no high school within fifteen miles from such
 16 district on a reasonably improved highway. The state committee shall
 17 review the plan and provide advice and communication to such school
 18 district and other high schools.
 19 (2) If for two consecutive years the fall school district
 20 membership, or for two consecutive years the average daily membership, of

21 an existing Class II or III school district is ~~fewer less~~ than twenty-
 22 five pupils in grades nine through twelve or if for one year an existing
 23 Class II or III school district contracts with a neighboring school
 24 district or districts to provide educational services for all of its
 25 pupils in grades nine through twelve, such school district shall, except
 26 as provided in subsection (3) or (4) of this section, become a Class I
 27 school district through the order of the state committee if the high
 1 school is within fifteen miles on a reasonably improved highway of
 2 another high school.

3 This subsection does not apply to any school district located on an
 4 Indian reservation and substantially or totally financed by the federal
 5 government.

6 (3) Any Class II or III school district maintaining a four-year high
 7 school which has a fall school district membership or an average daily
 8 membership of ~~fewer less~~ than twenty-five students in grades nine through
 9 twelve may contract with another school district to provide educational
 10 services for its pupils in grades nine through twelve. Such contract may
 11 continue for a period not to exceed one year. At the end of such one-year
 12 period, the school district may resume educational services for grades
 13 nine through twelve if the average daily membership in grades nine
 14 through twelve for such school district has reached at least fifty
 15 students. If the school district has not achieved such fall school
 16 district membership or average daily membership, it shall become a Class
 17 I school district by order of the state committee entered after thirty
 18 days' notice to the district but without a hearing, notwithstanding the
 19 distance on a reasonably improved highway to the nearest school district
 20 conducting a high school.

21 (4)(a) Any Class II or III school district maintaining the only
 22 public high school in the county ~~may continue to operate the high school~~
 23 with a fall school district membership or an average daily membership of
 24 ~~fewer less~~ than twenty-five students in grades nine through twelve shall
 25 be subject to this subsection until such school district reaches a fall
 26 school district membership or average daily membership of at least
 27 thirty-five students or fewer than fifteen students in grades nine
 28 through twelve or dissolves. Such school district may continue to operate
 29 the high school if:

30 (i) The plan submitted pursuant to subsection (1) of this section
 31 provides a broad-based curriculum as determined by the state committee;
 1 and

2 (ii) At a districtwide election held the second Tuesday of November
 3 by whatever means the county conducts balloting, in the second
 4 consecutive school year that the fall school district membership for
 5 grades nine through twelve is ~~fewer less~~ than twenty-five students ~~and~~
 6 ~~for each succeeding school year unless such membership is at least~~
 7 ~~thirty-five students for such school year~~, a majority of voters approve a
 8 ballot issue to continue to operate the high school for the immediately
 9 following school year. If such ballot issue succeeds in the initial
 10 election, the school board shall annually determine if such a
 11 districtwide election is necessary for each subsequent year that the

12 school district is subject to this subsection, except that such school
 13 board shall hold such districtwide election if four years have passed
 14 since the last election pursuant to this section and the school district
 15 has remained subject to this subsection.

16 (b) If such ballot issue fails, the state committee shall dissolve
 17 the school district and attach the territory to other school districts
 18 based on the preferences of each landowner if such preference is provided
 19 in the time and manner required by the state committee and would transfer
 20 such parcels to a school district with a boundary contiguous to the
 21 school district being dissolved. Landowners submitting such preferences
 22 shall sign a statement that the district of preference is the district
 23 which children who might reside on the property, at the time of the
 24 dissolution or in the future, would be expected to attend. For property
 25 for which a preference is not provided in the time and manner required by
 26 the state committee, the state committee shall transfer such property to
 27 one or more of the school districts with boundaries contiguous to the
 28 district being dissolved in a manner that will best serve children who
 29 might reside on such property, at the time of the dissolution or in the
 30 future, and that will, to the extent possible, create compact and
 31 contiguous districts.

1 (c) This subsection shall not apply to any school district if the
 2 fall school district membership or an average daily membership falls to
 3 fewer less than fifteen students in grades nine through twelve.

4 (5) For purposes of this section, when calculating fall school
 5 district membership or average daily membership, a resident school
 6 district as defined in section 79-233 shall not count students attending
 7 an option district as defined in such section and a Class II or III
 8 school district shall not count foreign exchange students and nonresident
 9 students who are wards of the court or state.

10 Sec. 2. Original section 79-499, Revised Statutes Cumulative
 11 Supplement, 2016, is repealed.

12 2. On page 1, strike beginning with "an" in line 2 through
 13 "requirement" in line 3 and insert "provisions relating to elections to
 14 continue the operation of certain high schools".

LEGISLATIVE BILL 889. Placed on Select File with amendment.
 ER162

1 1. On page 3, line 31, strike "81-541" and insert "81-538".

LEGISLATIVE BILL 766. Placed on Select File.

LEGISLATIVE BILL 717. Placed on Select File.

LEGISLATIVE BILL 859. Placed on Select File.

LEGISLATIVE BILL 1000. Placed on Select File with amendment.
 ER161

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 13-809, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 13-809 Any joint entity may from time to time issue its bonds in
6 such principal amounts as its governing body shall deem necessary to
7 provide sufficient funds to carry out any of the joint entity's purposes
8 and powers, including the establishment or increase of reserves, the
9 payment of interest accrued during construction of a project and for such
10 period thereafter as the governing body may determine, and the payment of
11 all other costs or expenses of the joint entity incident to and necessary
12 or convenient to carry out its purposes and powers. Bonds issued on or
13 after the effective date of this act for purposes of the Public
14 Facilities Construction and Finance Act shall be subject to a vote prior
15 to issuance as provided in the act.

16 Sec. 2. Section 13-2531, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 13-2531 Any joint public agency may from time to time issue its
19 bonds in such principal amounts as its board determines is necessary to
20 provide sufficient funds to carry out any of the joint public agency's
21 purposes and powers, including the establishment or increase of reserves,
22 the payment of interest accrued during construction of a project and for
23 such period thereafter as the board may determine, and the payment of all
24 other costs or expenses of the joint public agency incident to and
25 necessary or convenient to carry out its purposes and powers. Except as
26 provided in section 72-2304, bonds issued prior to the effective date of
27 this act for purposes of the Public Facilities Construction and Finance
1 Act may be issued with no requirement for a vote. Bonds issued on or
2 after the effective date of this act for purposes of the Public
3 Facilities Construction and Finance Act shall be subject to a vote prior
4 to issuance as provided in the act.

5 Sec. 3. Section 72-2301, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 72-2301 Sections 72-2301 to 72-2308 and sections 5 and 6 of this act
8 shall be known and may be cited as the Public Facilities Construction and
9 Finance Act.

10 Sec. 4. Section 72-2304, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 72-2304 (1)(a) This section applies to bonds issued prior to the
13 effective date of this act.

14 (b) ~~(1)~~ In addition to any other borrowing powers provided for by
15 law, a qualified public agency shall have the power to issue its
16 negotiable bonds to any joint entity as defined in section 13-803 or to
17 any joint public agency as defined in section 13-2503 in connection with
18 any joint project which is to be owned, operated, or financed by the
19 joint entity or joint public agency for the benefit of the qualified
20 public agency. The bonds may be issued only if the second largest
21 participant in the joint project has a financial contribution in the
22 joint project of at least twenty-five percent of the debt service. Such
23 bonds may be issued after the qualified public agency has conducted a
24 public hearing on the issuance of bonds. Notice of such public hearing
25 shall be given by publication in a newspaper of general circulation
26 within the territory of the qualified public agency by at least one

27 publication occurring not less than ten days prior to the time of
28 hearing. After the public hearing, the governing body of the qualified
29 public agency may proceed to adopt a bond measure authorizing bonds.

30 (2) Notice of any such bond measure shall be given by publication of
31 notice of intention to issue bonds in a newspaper of general circulation
1 within the territory of the qualified public agency at least twice after
2 the adoption of the bond measure. Such publications shall be at least
3 three weeks apart. The notice shall state:

4 (a) The name of the qualified public agency;

5 (b) The purpose of the issue;

6 (c) The principal amount of the issue;

7 (d) The amount of annual debt service payment anticipated for the
8 bonds, which may be stated as an approximation or estimate, and the
9 anticipated duration for such debt service payments; and

10 (e) The time and place where a copy of the form of the bond measure
11 may be examined for a period of at least thirty days.

12 (3) For bonds issued prior to the effective date of this act, no ~~No~~
13 election shall be required prior to the issuance of bonds under the
14 Public Facilities Construction and Finance Act unless, within sixty days
15 after the first publication of the notice of intention to issue bonds, a
16 remonstrance petition against the issuance of bonds is filed with the
17 clerk or secretary of the qualified public agency. Such remonstrance
18 petition shall be signed by registered voters of the qualified public
19 agency equal in number to at least five percent of the number of
20 registered voters of the qualified public agency at the time the
21 remonstrance petition is filed or at least the number of signatures
22 listed in subsection (5) of this section for the applicable qualified
23 public agency, whichever is less. If a remonstrance petition with the
24 necessary number of qualified signatures is timely filed, the question
25 shall be submitted to the voters of the qualified public agency at a
26 general election or a special election called for the purpose of
27 approving the bonds proposed to be issued. Any joint project for which
28 bonds are issued in accordance with the procedures of the act shall not
29 require any other approval or proceeding by the governing body or the
30 voters of the qualified public agency.

31 (4) For bonds issued prior to the effective date of this act, no ~~No~~
1 election shall be required for any qualified public agency not issuing
2 bonds to participate in such joint project unless, within sixty days
3 after the governing body of the qualified public agency adopts the
4 measure approving the interlocal or cooperative agreement related to the
5 joint project, a remonstrance petition is filed with the clerk or
6 secretary of the qualified public agency. Such remonstrance petition
7 shall be signed by registered voters of the qualified public agency equal
8 in number to at least five percent of the number of registered voters of
9 the qualified public agency at the time the remonstrance petition is
10 filed or at least the number of signatures listed in subsection (5) of
11 this section for the applicable qualified public agency, whichever is
12 less. If a remonstrance petition with the necessary number of qualified
13 signatures is timely filed, the question shall be submitted to the voters

14 of the qualified public agency at a general election or a special
 15 election called for the purpose of approving the interlocal or
 16 cooperative agreement related to the joint project.
 17 (5) The chart in this subsection provides the alternative number of
 18 signatures of registered voters of a qualified public agency which may be
 19 used to submit a remonstrance petition under subsection (3) or (4) of
 20 this section. The classification of counties in section 23-1114.01
 21 applies for purposes of this section.

22 Qualified Public Agency	Number of Signatures
23	of Registered Voters
24 City of the Metropolitan Class	1500
25 City of the Primary Class	1000
26 City of the First Class	750
27 City of the Second Class	250
28 Villages	50
29 Municipal County	1500
30 Class 7 County	1500
1 Class 6 County	1000
2 Class 5 County	750
3 Class 4 County	500
4 Class 3 County	250
5 Class 2 County	100
6 Class 1 County	50
7 Class VI School District	250
8 Class V School District	1500
9 Class IV School District	1000
10 Class III School District	500
11 Class II School District	250
12 Class I School District	250
13 Educational Service Unit	250
14 Community College Area	1500
15 Fire Protection District	500
16 Hospital District	500
17 Sanitary and Improvement District	500

18 Sec. 5. (1) In addition to any other borrowing powers provided for
 19 by law, a qualified public agency may issue its negotiable bonds subject
 20 to the terms and conditions set forth in the Public Facilities
 21 Construction and Finance Act to any joint entity as defined in section
 22 13-803 or to any joint public agency as defined in section 13-2503 in
 23 connection with any joint project which is to be owned, operated, or
 24 financed by the joint entity or joint public agency for the benefit of
 25 the qualified public agency. The bonds may be issued only if the second
 26 largest participant in the joint project has a financial contribution in
 27 the joint project of at least twenty-five percent of the debt service. No
 28 bonds shall be issued on or after the effective date of this act until
 29 the question has been submitted to the qualified electors of each
 30 participating qualified public agency at an election called for that
 1 purpose as provided in this section and, within each participating
 2 qualified public agency, a majority of the qualified electors voting on

3 the question within the participating qualified public agency voted in
 4 favor of issuing the same.
 5 (2) Each participating qualified public agency shall give notice of
 6 the election at least fifty days prior to the election. The question of
 7 issuing bonds may be submitted at the statewide primary or general
 8 election. The election shall be conducted in accordance with the Election
 9 Act.
 10 (3) The question of bond issues, when defeated, shall not be
 11 resubmitted in substance for a period of six months from and after the
 12 date of such election.
 13 Sec. 6. Before the issuance of bonds pursuant to the Public
 14 Facilities Construction and Finance Act, the qualified public agencies
 15 participating in the bond measure shall make a written statement of all
 16 proceedings relative to the vote upon the issuance of such bonds and the
 17 notice of the election, the manner and time of giving notice, the
 18 question submitted, and the result of the canvass of the vote on the
 19 proposition pursuant to which it is proposed to issue such bonds,
 20 together with a full statement of the taxable valuation and the total
 21 bonded indebtedness of the qualified public agencies participating in the
 22 bond measure. Such statement shall be certified to under oath.
 23 Sec. 7. Original sections 13-809, 13-2531, 72-2301, and 72-2304,
 24 Reissue Revised Statutes of Nebraska, are repealed.
 25 Sec. 8. Since an emergency exists, this act takes effect when
 26 passed and approved according to law.
 27 2. On page 1, line 5, strike "procedures" and insert "a duty for
 28 certain qualified public agencies".

LEGISLATIVE BILL 1003. Placed on Select File.

LEGISLATIVE BILL 983. Placed on Select File.

LEGISLATIVE BILL 982. Placed on Select File.

LEGISLATIVE BILL 1036. Placed on Select File.

LEGISLATIVE BILL 1038. Placed on Select File.

LEGISLATIVE BILL 682. Placed on Select File with amendment.

ER163

1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. For purposes of sections 1 to 4 of this act:

4 (1) Military service means:

5 (a) In the case of a servicemember who is a member or reserve member

6 of the Army, Navy, Air Force, Marine Corps, or Coast Guard, full-time

7 duty in the active military service of the United States, including:

8 (i) Full-time training duty;

9 (ii) Annual training duty; and

10 (iii) Attendance while at a school designated as a service school by

11 federal law or by the secretary of the military department concerned;

12 (b) In the case of a member or reserve member of the Nebraska

13 National Guard, service under a call to active service or duty authorized

14 by:

15 (i) The President of the United States or the Secretary of Defense
16 for a period of more than thirty days in response to a national emergency
17 declared by the President of the United States; or
18 (ii) The Governor for a period of more than thirty consecutive days;
19 (c) In the case of a servicemember who is a commissioned officer of
20 the United States Public Health Service or the National Oceanic and
21 Atmospheric Administration, active service; or
22 (d) Any period during which a servicemember is absent from duty on
23 account of sickness, wounds, leave, or other lawful cause; and
24 (2) Servicemember means an individual engaged in military service.
25 Sec. 2. (1) In addition to the rights and protections regarding
26 consumer transactions, contracts, and service providers included under
27 the federal Servicemembers Civil Relief Act, a servicemember may
1 terminate a contract described in subsection (2) of this section at any
2 time after the date the servicemember receives military orders to
3 relocate for a period of service of at least ninety days to a location
4 that is not included in or covered under the contract.
5 (2) This section applies to any contract to provide:
6 (a) Telecommunications services;
7 (b) Internet services;
8 (c) Television services;
9 (d) Athletic club or gym memberships;
10 (e) Satellite radio services; or
11 (f) A lease of residential rental property, notwithstanding any
12 provision to the contrary in the Uniform Residential Landlord and Tenant
13 Act or any other provision of law, if the servicemember is required to
14 move into government-owned or leased housing. This subdivision does not
15 apply to a lease of residential rental property in which a spouse of a
16 servicemember is a tenant in such residential rental property and
17 government-owned or leased housing is not available to such spouse.
18 (3) Termination of a contract must be made by delivery of a written
19 or electronic notice of the termination and a copy of the servicemember's
20 military orders to the service provider or lessor.
21 (4) For any contract terminated under this section, the service
22 provider or lessor under the contract shall not impose an early
23 termination charge.
24 (5) Any tax or any other obligation or liability of the
25 servicemember that, in accordance with the terms of the contract, is due
26 and unpaid at the time of termination of the contract shall be paid by
27 the servicemember.
28 (6) If after termination provided under this section the
29 servicemember resubscribes to a service provided under a contract
30 described in subdivisions (2)(a) through (e) of this section or reenters
31 into a lease under a contract described in subdivision (2)(f) of this
1 section during the ninety-day period immediately following the
2 servicemember's return from service, the service provider or lessor may
3 not impose any service fees or charges other than the usual and customary
4 fees and charges imposed on any other subscriber for the installation or
5 acquisition of customer equipment or imposed on any other lessee for the

6 rental of residential real property. A servicemember may not be charged a
 7 penalty, fee, loss of deposit, or any other additional cost because of
 8 such termination, resubscription, or rental.

9 (7) Not later than sixty days after the effective date of the
 10 termination of a contract described in subsection (2) of this section,
 11 the service provider or lessor under the contract shall refund to the
 12 servicemember all fees or charges paid for services or rental that extend
 13 past the termination date of the contract.

14 (8) In the case of a lease described in subdivision (2)(f) of this
 15 section that provides for monthly payment of rent, termination of the
 16 lease is effective thirty days after the first date on which the next
 17 rental payment is due and payable after the date on which the notice of
 18 termination under subsection (3) of this section is delivered. In the
 19 case of any other lease described in subdivision (2)(f) of this section,
 20 termination of the lease is effective on the last day of the month
 21 following the month in which the notice of termination is delivered.

22 Sec. 3. (1) A civil action may be brought in any court with
 23 jurisdiction by the Attorney General against any person that knowingly or
 24 intentionally violates any provision of section 2 of this act. The court
 25 may:

26 (a) Issue an injunction;

27 (b) Order the person to make a payment of money unlawfully received
 28 from, or required to be refunded to, one or more servicemembers;

29 (c) Order the person to pay to the state the reasonable costs of the
 30 Attorney General's investigation and prosecution related to the action;
 31 and

1 (d) Order the person to pay a civil penalty not greater than five
 2 thousand dollars per violation.

3 (2) Relief may not be granted under subsection (1) of this section
 4 if relief for the violation has already been granted under the federal
 5 Servicemembers Civil Relief Act.

6 Sec. 4. The Nebraska National Guard shall provide to its members a
 7 list of their rights under sections 2 and 3 of this act and under the
 8 federal Servicemembers Civil Relief Act.

LEGISLATIVE BILL 749. Placed on Select File.

LEGISLATIVE BILL 786. Placed on Select File.

LEGISLATIVE BILL 1030. Placed on Select File.

LEGISLATIVE BILL 1052. Placed on Select File.

LEGISLATIVE BILL 1110. Placed on Select File with amendment.

ER165

1 1. On page 1, strike beginning with "to" in line 3 through the first
 2 semicolon in line 4.

(Signed) Anna Wishart, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 366, 367, and 380 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 366, 367, and 380.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 946. With Emergency Clause.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 2017; to provide, change, and eliminate transfer provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Albrecht	Ebke	Howard	McCollister	Smith
Baker	Friesen	Hughes	McDonnell	Stinner
Bolz	Geist	Kolowski	Morfeld	Thibodeau
Brasch	Groene	Kolterman	Murante	Vargas
Brewer	Halloran	Krist	Pansing Brooks	Walz
Briese	Harr	Lindstrom	Quick	Watermeier
Chambers	Hilgers	Linehan	Riepe	Williams
Clements	Hilkemann	Lowe	Scheer	Wishart

Voting in the negative, 5:

Bostelman	Erdman	Kuehn	Larson	Wayne
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Excused and not voting, 4:

Blood	Crawford	Hansen	Schumacher
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB945 with 41 ayes, 3 nays, 1 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 945. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend section 81-1121, Reissue Revised Statutes of Nebraska, sections 9-1,101, 49-14,140, 61-224, 81-2,162.27, 81-1201.21, 81-1211, and 84-1227, Revised Statutes Cumulative Supplement, 2016, sections 37-327.02, 48-1,116, 58-703, 59-1608.04, 61-218, 71-7611, 81-3701, and 81-3714, Revised Statutes Supplement, 2017, and Laws 2017, LB331, sections 3, 4, and 11; to authorize, provide, change, and eliminate fund transfer provisions; to create funds; to state intent; to change provisions relating to the source and use of funds and interest on funds; to eliminate a termination date; to change refund provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Albrecht	Ebke	Kolowski	Murante	Walz
Baker	Friesen	Kolterman	Pansing Brooks	Watermeier
Bolz	Geist	Krist	Quick	Wayne
Bostelman	Groene	Lindstrom	Riepe	Williams
Brasch	Harr	Linehan	Scheer	Wishart
Brewer	Hilgers	Lowe	Smith	
Briese	Hilkemann	McCollister	Stinner	
Chambers	Howard	McDonnell	Thibodeau	
Clements	Hughes	Morfeld	Vargas	

Voting in the negative, 4:

Erdman	Halloran	Kuehn	Larson
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Excused and not voting, 4:

Blood	Crawford	Hansen	Schumacher
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION(S) - Recommit LB944 to Committee

Senator Morfeld offered the following motion to LB944:
MO309
Recommit to the Appropriations Committee.

Senator Morfeld withdrew his motion to recommit to committee.

MOTION(S) - Bracket LB944

Senator Chambers offered his motion, MO306, found on page 1324, to bracket LB944 until April 18, 2018.

Senator Chambers withdrew his motion to bracket.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB944 with 39 ayes, 4 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 944. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2017, LB268A, section 3; Laws 2017, LB327, sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 37, 39, 40, 45, 49, 50, 51, 52, 54, 55, 57, 59, 62, 68, 69, 70, 71, 73, 82, 85, 86, 87, 92, 95, 96, 97, 98, 100, 101, 102, 103, 104, 106, 107, 108, 109, 110, 111, 112, 115, 116, 125, 126, 128, 130, 132, 134, 136, 137, 138, 139, 150, 153, 154, 155, 160, 162, 163, 165, 166, 168, 169, 170, 172, 173, 176, 177, 182, 186, 189, 190, 192, 195, 196, 199, 201, 204, 208, 210, 211, 213, 215, 216, 218, 221, 222, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240, 241, 242, 243, 244, 247, 249, 250, 251, 255, 260, 263, 265, and 272; Laws 2017, LB329, sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18; Laws 2017, LB330, sections 25, 38, and 42; and Laws 2017, LB512A, section 2; to define and redefine terms; to provide, change, and eliminate appropriations for operation of state government, state aid, postsecondary education, and capital construction; to provide for transfers of funds; to require reports; to provide severability; to repeal the original sections; and to declare an emergency.

Senator Stinner requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 38:

Albrecht	Ebke	Hughes	McDonnell	Thibodeau
Baker	Friesen	Kolterman	Murante	Vargas
Bolz	Geist	Krist	Quick	Walz
Bostelman	Groene	Kuehn	Riepe	Watermeier
Brasch	Halloran	Lindstrom	Scheer	Williams
Brewer	Harr	Linehan	Schumacher	Wishart
Briese	Hilgers	Lowe	Smith	
Clements	Hilkemann	McCollister	Stinner	

Voting in the negative, 6:

Chambers	Hansen	Pansing Brooks
Erdman	Morfeld	Wayne

Present and not voting, 3:

Howard	Kolowski	Larson
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Excused and not voting, 2:

Blood	Crawford
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 950. With Emergency Clause.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Albrecht	Erdman	Hughes	McDonnell	Thibodeau
Baker	Friesen	Kolowski	Morfeld	Vargas
Bolz	Geist	Kolterman	Murante	Walz
Bostelman	Groene	Krist	Pansing Brooks	Watermeier
Brasch	Halloran	Kuehn	Quick	Wayne
Brewer	Hansen	Larson	Riepe	Williams
Briese	Harr	Lindstrom	Scheer	Wishart
Chambers	Hilgers	Linehan	Schumacher	
Clements	Hilkemann	Lowe	Smith	
Ebke	Howard	McCollister	Stinner	

Voting in the negative, 0.

Excused and not voting, 2:

Blood Crawford

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 946, 945, 944, and 950.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 596. Placed on Final Reading.

ST55

The following changes, required to be reported for publication in the Journal, have been made:

1. The E & R amendments, ER136, have been struck.
2. On page 1, lines 3 and 4, ", cat, and dog" has been inserted after "equine"; and in line 4 each occurrence of "therapy" has been struck and "practice" inserted.

LEGISLATIVE BILL 714. Placed on Final Reading.

ST56

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Howard amendment, AM2715, on page 2, line 28, "3" has been struck and "3" inserted.
2. In the Standing Committee amendments, AM1754:
 - a. On page 1, line 3; and page 3, line 31, "10" has been struck and "12" inserted;
 - b. On page 2, line 26, "4" has been struck and "6" inserted; and
 - c. On page 4, line 4, "8" has been struck and "9" inserted.
3. On page 1, line 1, "to amend section 25-307, Reissue Revised Statutes of Nebraska;" has been inserted after the semicolon; and in line 2 "; and to repeal the original section" has been inserted after "minor".

LEGISLATIVE BILL 741. Placed on Final Reading.

LEGISLATIVE BILL 745. Placed on Final Reading.

LEGISLATIVE BILL 760. Placed on Final Reading.

LEGISLATIVE BILL 803. Placed on Final Reading.

LEGISLATIVE BILL 827. Placed on Final Reading.

LEGISLATIVE BILL 865. Placed on Final Reading.

LEGISLATIVE BILL 901. Placed on Final Reading.

LEGISLATIVE BILL 903. Placed on Final Reading.

LEGISLATIVE BILL 906. Placed on Final Reading.

LEGISLATIVE BILL 909. Placed on Final Reading.

ST54

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Harr amendment, AM2687:
 - a. Sections 83 and 99 have been renumbered as sections 93 and 98, respectively; and
 - b. On page 1, line 4, "99" has been struck and "98" inserted; in line 16 "(1)" has been struck and "(a)" inserted; and in line 20 "(2)" has been struck and "(b)" inserted.
2. In the Friesen amendment, AM2647:
 - a. On page 5, lines 12 and 30; page 7, lines 17 and 28; page 8, line 21; page 24, line 17; page 25, lines 3 and 23; page 28, line 9; page 34, line 23; page 37, line 10; and page 43, lines 2 and 30, "116" has been struck and "118" inserted;
 - b. On page 17, line 7, "sections" has been struck and "section" inserted and after the last comma "sections" has been inserted; and in line 8 "sections" has been inserted after the first comma and after "or";
 - c. On page 56, line 23, the comma has been struck;
 - d. On page 57, line 15, an underscored comma has been inserted after "vehicles"; in line 16 the comma has been struck; and in line 18 an underscored comma has been inserted after the second "vehicles";
 - e. On page 62, line 25, "an autocycle" has been struck and "autocycles" inserted;
 - f. On page 118, line 4, "112 and 113" has been struck and "114 and 115" inserted; and in line 17 "112" has been struck and "114" inserted;
 - g. On page 133, line 22, "116" has been struck and "118" inserted; and
 - h. On page 134, line 3, "60-601," has been inserted after "60-4,182,".
3. On page 1, the matter beginning with "motor" in line 1 through line 13 and all amendments thereto have been struck and "transportation; to amend sections 28-1204.04, 37-1280, 37-1285, 37-1293, 60-104, 60-119, 60-129, 60-133, 60-142.04, 60-142.05, 60-142.06, 60-174, 60-191, 60-309, 60-335, 60-348, 60-354, 60-378, 60-389, 60-3,185, 60-4,128, 60-4,130.04, 60-6,244, 60-6,254, 60-6,255, 60-6,263, 60-6,279, 60-6,306, 60-6,307, 60-6,308, 60-6,313, and 69-2441, Reissue Revised Statutes of Nebraska, sections 60-104.01, 60-124, 60-146, 60-148, 60-168.01, 60-169, 60-171, 60-173, 60-175, 60-309.01, 60-316, 60-340, 60-3,100, 60-3,113.02, 60-3,113.03, 60-3,143, 60-3,147, 60-3,148, 60-3,187, 60-3,190, 60-3,221, 60-3,228, 60-462, 60-463.02, 60-480, 60-484, 60-4,122, 60-4,123, 60-4,123.01, 60-4,124, 60-4,127, 60-4,131, 60-4,131.01, 60-4,132, 60-4,182, 60-601, 60-610.01, 60-639, 60-640, 60-6,226, 60-1401, 60-1401.02, 60-1401.28, and 60-1401.42, Revised Statutes Cumulative Supplement, 2016, sections 37-1285.01, 60-101, 60-102, 60-119.01, 60-149, 60-164, 60-164.01, 60-192, 60-301, 60-302, 60-336.01, 60-363, 60-386, 60-395, 60-3,104, 60-3,113.04, 60-3,193.01, 60-3,229, 60-462.01, 60-479.01, 60-4,147.02, 60-501, 60-628.01, 60-6,267, 60-6,294, 60-6,298, 60-1507, 75-363, 75-364, 75-366, 75-369.03, 75-392, and 75-393, Revised Statutes Supplement, 2017, section 37-1283, Revised Statutes Supplement, 2017, as amended by section 75, Legislative Bill 193, One Hundred Fifth Legislature, Second Session, 2018, and section 60-166, Revised Statutes Supplement, 2017, as amended by section 87, Legislative Bill 193, One Hundred Fifth Legislature, Second

Session, 2018, and section 2, Legislative Bill 275, One Hundred Fifth Legislature, Second Session, 2018; to change provisions relating to the Motor Vehicle Certificate of Title Act, the Motor Vehicle Industry Regulation Act, the Motor Vehicle Operator's License Act, the Motor Vehicle Registration Act, the Motor Vehicle Safety Responsibility Act, the Nebraska Rules of the Road, the State Boat Act, motor carriers, and hazardous materials regulations; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency." inserted.

LEGISLATIVE BILL 923. Placed on Final Reading.

LEGISLATIVE BILL 940. Placed on Final Reading.

LEGISLATIVE BILL 940A. Placed on Final Reading.

LEGISLATIVE BILL 990. Placed on Final Reading.

LEGISLATIVE BILL 990A. Placed on Final Reading.

LEGISLATIVE BILL 1005. Placed on Final Reading.

ST51

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER137:
 - a. On page 1, line 17, "79-1003, 79-1028.01," has been inserted before "81-2014"; and
 - b. On page 2, line 3, "to redefine a term and change an exclusion to levy limitations and budget limitations under the Tax Equity and Educational Opportunities Support Act;" has been inserted after the semicolon.

LEGISLATIVE BILL 1008. Placed on Final Reading.

LEGISLATIVE BILL 1009. Placed on Final Reading.

LEGISLATIVE BILL 1091. Placed on Final Reading.

LEGISLATIVE BILL 1098. Placed on Final Reading.

LEGISLATIVE BILL 1119. Placed on Final Reading.

ST52

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "state" in line 1 through line 2 has been struck and "insurance; to amend sections 44-361 and 84-1613, Reissue Revised Statutes of Nebraska; to adopt the Direct Primary Care Pilot Program Act; to adopt the Nebraska Right to Shop Act; to harmonize provisions; and to repeal the original sections." inserted.
2. On page 3, line 16, the semicolon has been struck and a period inserted.

LEGISLATIVE BILL 1132. Placed on Final Reading.

ST57

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Pansing Brooks amendment, AM2707:
 - a. On page 4, line 29; page 5, line 3; page 6, line 15; and page 8, line 7, "an" has been inserted after "or"; and

b. On page 8, line 31, the comma has been struck and the stricken "or" has been reinstated.

(Signed) Anna Wishart, Chairperson

GENERAL FILE

LEGISLATIVE BILL 947. Title read. Considered.

Committee AM2542, found on page 1066, was offered.

Senator Chambers offered the following motion:

MO312

Bracket until April 18, 2018.

Senator Chambers withdrew his motion to bracket.

Senator Erdman offered the following motion:

MO313

Bracket until April 18, 2018.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Pending.

AMENDMENT(S) - Print in Journal

Senator Walz filed the following amendment to LB998:

AM2713

- 1 1. On page 3, line 13, strike "districts" and insert "systems".
- 2 2. On page 4, lines 30 and 31, strike "public and private schools"
- 3 and insert "school systems within the educational service unit".
- 4 3. On page 5, strike beginning with the period in line 16 through
- 5 "fund" in line 17; and in line 18 after the period insert "For budgetary
- 6 purposes, the fund shall be administered through the State Department of
- 7 Education".
- 8 4. In the Linehan amendment, AM2572, on page 1, line 9, strike
- 9 "district" and insert "system"; and in line 11 strike "in the school
- 10 district" and insert "system in the educational service unit".

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 729. Placed on Select File with amendment.

ER168

- 1 1. On page 1, strike beginning with "tort" in line 1 through line 5
- 2 and insert "the State Tort Claims Act; to amend section 81-8,219, Revised

3 Statutes Supplement, 2017; to allow certain tort claims for
 4 misrepresentation or deceit by the Department of Health and Human
 5 Services; to harmonize provisions; and to repeal the original section."

LEGISLATIVE BILL 1040. Placed on Select File with amendment.
 ER167

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:

3 Section 1. Section 71-601, Reissue Revised Statutes of Nebraska, is
 4 amended to read:

5 71-601 Sections 71-601 to 71-649 and section 3 of this act shall be
 6 known and may be cited as the Vital Statistics Act.

7 Sec. 2. Section 71-601.01, Reissue Revised Statutes of Nebraska, is
 8 amended to read:

9 71-601.01 For purposes of the Vital Statistics Act:

10 (1) Abstract of marriage means a certified document that summarizes
 11 the facts of marriage, including, but not limited to, the name of the
 12 bride and groom, the date of the marriage, the place of the marriage, and
 13 the name of the office filing the original marriage license. An abstract
 14 of marriage does not include signatures;

15 (2) Certificate means the record of a vital event. Certificate does
 16 not include a commemorative certificate;

17 (3) Certification means the process of recording, filing, amending,
 18 or preserving a certificate, which process may be by any means,
 19 including, but not limited to, microfilm, electronic, imaging,
 20 photographic, typewritten, or other means designated by the department;
 21 ~~and~~

22 (4) Commemorative certificate means a document commemorating a
 23 nonviable birth;

24 (5) ~~(4)~~ Department means the Department of Health and Human
 25 Services; ~~and~~ -

26 (6) Nonviable birth means an unintentional, spontaneous fetal demise
 27 occurring prior to the twentieth week of gestation during a pregnancy
 1 that has been verified by a health care practitioner.

2 Sec. 3. (1)(a) A health care practitioner licensed pursuant to the
 3 Uniform Credentialing Act who attends or diagnoses a nonviable birth or a
 4 health care facility licensed pursuant to the Health Care Facility
 5 Licensure Act at which a nonviable birth occurs shall advise a patient
 6 who experiences a nonviable birth that the patient may request a
 7 commemorative certificate as provided in this section and, upon request
 8 by the patient, shall provide a letter verifying the nonviable birth to
 9 the patient. The health care practitioner may delegate this duty to his
 10 or her designee. In lieu of a letter, the health care practitioner or his
 11 or her designee may provide the patient with a form provided by the
 12 department pursuant to subdivision (b) of this subsection and executed by
 13 the health care practitioner or his or her designee.

14 (b) The department shall provide on its web site a form to be
 15 executed by a health care practitioner or his or her designee affirming
 16 that a patient experienced a nonviable birth that the health care

17 practitioner attended or diagnosed.

18 (2) Upon the request of the patient and submission of the letter or
 19 executed form, the department shall issue a commemorative certificate
 20 within sixty days after receipt of such request. The department shall
 21 charge a fee not to exceed its actual cost for issuing the commemorative
 22 certificate.

23 (3)(a) The commemorative certificate shall contain the name of the
 24 fetus and the gender, if known. If the name is not furnished by the
 25 patient, the department shall fill in the commemorative certificate with
 26 the name Baby Boy or Baby Girl and the last name of the patient, and if
 27 the gender of the child is also unknown, the department shall fill in the
 28 commemorative certificate with the name Baby and the last name of the
 29 patient.

30 (b) The following statement shall appear on the front of the
 31 commemorative certificate: This commemorative certificate is not proof of
 1 a live birth.

2 (4) The department shall not register the birth associated with a
 3 commemorative certificate issued under this section or use it to
 4 calculate live birth statistics. The commemorative certificate is
 5 commemorative in nature and has no legal effect.

6 (5) A commemorative certificate issued under this section shall not
 7 be used to establish, bring, or support a civil cause of action seeking
 8 damages against any person or entity for bodily injury, personal injury,
 9 or wrongful death for a nonviable birth.

10 Sec. 4. Original sections 71-601 and 71-601.01, Reissue Revised

11 Statutes of Nebraska, are repealed.

12 2. On page 1, line 3, after "for" insert "commemorative".

(Signed) Anna Wishart, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 3, 2018, at 11:18 a.m. were the following: LBs 946e, 945e, 944e, and 950e.

(Signed) Jamie Leishman
 Clerk of the Legislature's Office

VISITORS

Visitors to the Chamber were Bev, Karl, and Charlie Henkel from Norfolk; Senator Smith's daughter, Regan, from Papillion; members of AmeriCorps VISTA from Grand Island; 38 fourth-grade students from St. Michael's Elementary, Hastings; and 96 fourth-grade students from Fontenelle Elementary, Omaha.

RECESS

At 12:00 p.m., on a motion by Senator Murante, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Blood and Crawford who were excused; and Senators Howard, Kuehn, Larson, Morfeld, Watermeier, and Wishart who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 947. The Erdman motion, MO313, found in this day's Journal, to bracket until April 18, 2018, was renewed.

Senator Linehan moved the previous question. The question is, "Shall the debate now close?"

Senator Smith moved for a call of the house. The motion prevailed with 30 ayes, 2 nays, and 17 not voting.

Senator Erdman requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 25:

Albrecht	Clements	Kolowski	McDonnell	Thibodeau
Baker	Geist	Kolterman	Murante	Watermeier
Bolz	Groene	Lindstrom	Riepe	Wayne
Brasch	Hilgers	Linehan	Scheer	Williams
Brewer	Hilkemann	Lowe	Smith	Wishart

Voting in the negative, 7:

Bostelman	Erdman	Halloran	McCollister
Briese	Friesen	Hansen	

Present and not voting, 13:

Ebke	Hughes	Morfeld	Schumacher	Walz
Harr	Krist	Pansing Brooks	Stinner	
Howard	Kuehn	Quick	Vargas	

Excused and not voting, 4:

Blood Chambers Crawford Larson

The motion to cease debate prevailed with 25 ayes, 7 nays, 13 present and not voting, and 4 excused and not voting.

Senator Erdman requested a roll call vote, in reverse order, on the motion to bracket.

Voting in the affirmative, 9:

Briese	Hansen	Schumacher	Walz	Wishart
Chambers	Morfeld	Vargas	Wayne	

Voting in the negative, 25:

Albrecht	Ebke	Hughes	Lowe	Smith
Bostelman	Geist	Kolterman	McDonnell	Stinner
Brasch	Groene	Kuehn	Murante	Thibodeau
Brewer	Hilgers	Lindstrom	Riepe	Watermeier
Clements	Hilkemann	Linehan	Scheer	Williams

Present and not voting, 12:

Baker	Friesen	Howard	McCollister
Bolz	Halloran	Kolowski	Pansing Brooks
Erdman	Harr	Krist	Quick

Excused and not voting, 3:

Blood Crawford Larson

The Erdman motion to bracket failed with 9 ayes, 25 nays, 12 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Erdman offered the following motion:

MO315

Reconsider the vote taken to bracket.

Pending.

AMENDMENT(S) - Print in Journal

Senator Harr filed the following amendment to LB947:

AM2709

(Amendments to Standing Committee amendments, AM2542)

1 1. On page 8, line 28, strike "7.62" and insert "7.32"; in line 29
2 after the semicolon insert "and"; and in line 31 strike "and before

3 January 1, 2021."

4 2. On page 9, line 2, strike "7.43" and insert "6.84"; in line 3

5 strike the semicolon and insert an underscored period; and strike lines 4
6 through 17.

7 3. On page 15, strike beginning with "thirty-four" in line 2 through

8 "fifty" in line 3 and insert "thirty-five million six hundred ninety".

MOTION(S) - Print in Journal

Senator Krist filed the following motion to LB947:

MO314

Recommit to the Revenue Committee.

AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB1089:

AM2779

(Amendments to Standing Committee amendments, AM2049)

1 1. Strike section 21 and insert the following new sections:

2 Section 1. Section 77-118, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 77-118 (1) Nebraska adjusted basis shall mean the adjusted basis of
5 property as determined under the Internal Revenue Code increased by the
6 total amount allowed under the code for depreciation or amortization or
7 pursuant to an election to expense depreciable property under section 179
8 of the code.

9 (2) For purchases of depreciable personal property occurring on or
10 after January 1, 2018, and before January 1, 2019, if there is an
11 election to expense the depreciable property under section 179 of the
12 code and similar personal property is traded in as part of the payment
13 for the newly acquired property, the Nebraska adjusted basis shall be the
14 remaining net book value of the property traded in, plus the additional
15 amount that was paid by the taxpayer for the newly acquired property.

16 Sec. 22. Sections 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18,
17 19, 20, 24, and 25 of this act become operative on January 1, 2019. The
18 other sections of this act become operative on their effective date.

19 2. On page 19, line 31, after "Original" insert "section 77-118,
20 Reissue Revised Statutes of Nebraska,".

21 3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 902. Senator Chambers withdrew his motion,
MO308, found on page 1329, to bracket until April 18, 2018.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present
and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 807. Title read. Considered.

Committee AM2392, found on page 970, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Brewer withdrew his amendment, AM1863, found on page 650.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1015. Title read. Considered.

Committee AM1927, found on page 794, was offered.

Senator Harr offered his amendment, AM2590, found on page 1115, to the committee amendment.

SPEAKER SCHEER PRESIDING

Senator Chambers offered the following motion:

MO316

Bracket until April 18, 2018.

The Chambers motion to bracket failed with 12 ayes, 15 nays, 19 present and not voting, and 3 excused and not voting.

Pending.

LEGISLATIVE BILL 670. Title read. Considered.

Committee AM2093, found on page 813, was offered.

Senator Vargas offered his amendment, AM2714, found on page 1318, to the committee amendment.

The Vargas amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1120. Title read. Considered.

Committee AM2545, found on page 1104, was offered.

Senator Thibodeau offered the following amendment to the committee amendment:

AM2784 is available in the Bill Room.

The Thibodeau amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 873. Senator Geist renewed her amendment, FA122, found on page 1037.

SENATOR LINDSTROM PRESIDING

The Geist amendment lost with 17 ayes, 20 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 4 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1034. Title read. Considered.

Committee AM2322, found on page 1008, was offered.

Senator Riepe offered his amendment, AM2573, found on page 1183, to the committee amendment.

The Riepe amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Senator Kolterman offered his amendment, AM2676, found on page 1324.

The Kolterman amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1034A. Title read. Considered.

Senator Riepe offered the following amendment:

AM2793

1 1. Insert the following new section:

2 Sec. 2. There is hereby appropriated (1) \$2,000 from the Nebraska

3 Emergency Medical System Operations Fund for FY2018-19 and (2) \$2,000
4 from the Nebraska Emergency Medical System Operations Fund for FY2019-20
5 to the Department of Health and Human Services, for Program 178, to aid
6 in carrying out the provisions of Legislative Bill 1034, One Hundred
7 Fifth Legislature, Second Session, 2018.
8 No expenditures for permanent and temporary salaries and per diems
9 for state employees shall be made from funds appropriated in this
10 section.

The Riepe amendment was adopted with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB729:
AM2778

(Amendments to Standing Committee amendments, AM2160)

1 1. On page 1, line 22, after "that" insert "in cases of adoption
2 or placement"; and strike beginning with "in" in line 26 through
3 "placement" in line 27.

VISITORS

Visitors to the Chamber were 36 twelfth-grade students from Wilber-Clatonia Public Schools.

ADJOURNMENT

At 6:01 p.m., on a motion by Senator Linehan, the Legislature adjourned until 9:00 a.m., Wednesday, April 4, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FOURTH DAY - APRIL 4, 2018
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 4, 2018

PRAYER

The prayer was offered by Pastor William Ramage, Nebraska City Baptist Church, Nebraska City.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Geist, Groene, Harr, Kuehn, Linehan, Watermeier, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 363, 364, 365, and 385 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 363, 364, 365, and 385.

GENERAL FILE

LEGISLATIVE BILL 791. Title read. Considered.

Committee AM2708, found on page 1301, was offered.

Senator Albrecht offered her amendment, AM2729, found on page 1306, to the committee amendment.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 471. Introduced by Stinner, 48; Albrecht, 17; Baker, 30; Blood, 3; Bolz, 29; Bostelman, 23; Brasch, 16; Brewer, 43; Briese, 41; Chambers, 11; Clements, 2; Crawford, 45; Ebke, 32; Erdman, 47; Friesen, 34; Geist, 25; Groene, 42; Halloran, 33; Hansen, 26; Harr, 8; Hilgers, 21; Hilkemann, 4; Howard, 9; Hughes, 44; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Quick, 35; Riepe, 12; Scheer, 19; Schumacher, 22; Smith, 14; Thibodeau, 6; Vargas, 7; Walz, 15; Watermeier, 1; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Mike Calvert will have served as the Director of the Legislative Fiscal Office for 35 years when he retires on September 7, 2018; and

WHEREAS, Mike is an exceptional leader, guiding an office of responsible, professional analysts; and

WHEREAS, being committed to professionalism, Mike strives to guide budget analysts and public administrators to be objective in their duties; and

WHEREAS, Mike strives to refrain from political influence and maintains his office with the same standards, notwithstanding the different political ideologies of those he and his staff work with on a daily basis; and

WHEREAS, in his 35 years as the director, Mike has remained available to senators and staff, as well as the public, providing information pertaining to the state budget; and

WHEREAS, on April 25, 2018, Mike will receive the Outstanding Public Administrator of the Year Award from the Nebraska Chapter of the American Society for Public Administration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Mike Calvert on his years of service to the Legislature and on his Outstanding Public Administrator of the Year Award.

2. That a copy of this resolution be sent to Mike Calvert.

Laid over.

LEGISLATIVE RESOLUTION 472. Introduced by Crawford, 45.

WHEREAS, the Computer Science Teachers Association has supported and promoted computer science education on a global level since 2004; and

WHEREAS, computer science is vital in all areas of today's society, including fields as diverse as biology, agriculture, national security, and public health; and

WHEREAS, the most effective way to increase awareness and involvement in the field of computer science is through community activities; and

WHEREAS, design, logical reasoning, and problem solving are skills that are acquired through education in computer science and which provide students with a well-rounded and expansive skill set that extends beyond any particular technology; and

WHEREAS, the future holds many opportunities for students with a strong foundation in computer science; and

WHEREAS, educating today's youth about computer science will facilitate the future creation of life-saving, waste-reducing, and economically-friendly innovations and thereby lead to a more efficient and successful society.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature proclaims the second week in July 2018 as K-12 Computer Science Education Week.

2. That the Legislature recognizes that raising awareness of computer science education among our youth is vital because of the astounding effects it will have on the future of the State of Nebraska and its residents.

3. That a copy of this resolution be sent to the Computer Science Teachers Association.

Laid over.

SELECT FILE

LEGISLATIVE BILL 497. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 629. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 799. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 812. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 815. ER150, found on page 1258, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 733. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 848. Considered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 847. ER151, found on page 1289, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 732. ER152, found on page 1289, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 840. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 708. ER154, found on page 1293, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 885. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1012. ER155, found on page 1294, was adopted.

Senator Harr offered the following amendment:

AM2706

(Amendments to Standing Committee amendments, AM1691)

1 1. Strike section 2.

2 2. On page 1, line 14; and page 2, lines 25 and 31, strike "5" and

3 insert "4".

4 3. On page 7, strike beginning with the comma in line 22 through the

5 comma in line 23.

6 4. On page 8, line 18, strike "44-3910,".

7 5. Renumber the remaining sections accordingly.

The Harr amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 701. ER156, found on page 1294, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 742. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1070. ER160, found on page 1350, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 889. ER162, found on page 1352, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 766. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 717. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 859. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1000. ER161, found on page 1352, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1003. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 983. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 982. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1036. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1038. Senator Thibodeau offered the following amendment:

AM2790

1 1. Insert the following new section:

2 Sec. 4. Since an emergency exists, this act takes effect when passed

3 and approved according to law.

The Thibodeau amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 682. ER163, found on page 1356, was adopted.

Senator Blood offered the following amendment:

AM2794

(Amendments to E and R amendments, ER163)

1 1. On page 3, line 13, after the period insert "Upon the termination

2 of a rental agreement described in subdivision (2)(f) of this section,
 3 the servicemember is entitled to the return of any deposit or prepaid
 4 rent subject to section 76-1416."; and in lines 14, 16, 19, and 20,
 5 strike "lease" and insert "rental agreement".

The Blood amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Senator Blood offered the following amendment:

AM2755

(Amendments to E&R amendments, ER163)

1 1. On page 3, after line 21 insert the following new subsection:
 2 "(9) This section shall not be construed so as to impair or affect
 3 the obligation of any lawful contract in existence prior to the effective
 4 date of this act."

The Blood amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 749. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 786. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1030. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1052. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1110. ER165, found on page 1358, was adopted.

Advanced to Enrollment and Review for Engrossment.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator Vargas name added to LB548.

VISITORS

Visitors to the Chamber were 53 fourth-grade students from King Elementary, Omaha; 50 students on a sophomore pilgrimage sponsored by the Nebraska Federation of Women's Clubs from across the state; 45 high school students from Omaha North High School; and 60 fourth-grade students from Heritage Elementary, Bennington.

RECESS

At 12:00 p.m., on a motion by Senator Kolowski, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Briese, Groene, Howard, Pansing Brooks, and Watermeier who were excused until they arrive.

REFERENCE COMMITTEE REPORT2018 Resolutions calling for an Interim Study

LR319	Interim study to determine a sustainable revenue source for the Nebraska Main Street Network	Urban Affairs
LR339	Interim study to examine the issuance and usage of special designated licenses under the Nebraska Liquor Control Act pursuant to 53-124.11	General Affairs
LR352	Interim study to determine whether the Real Property Appraiser Act should be updated	Banking, Commerce and Insurance
LR353	Interim study to determine the feasibility and fiscal impact of hiring outside consultants to perform an efficiency review of state agencies	Government, Military and Veterans Affairs
LR357	Interim study to examine the current status of early childhood education	Education
LR361	Interim study to examine the extent of the parking shortage in the Capitol environs	Appropriations
LR362	Interim study to examine issues under the jurisdiction of the Education Committee	Education
LR368	Interim study to examine the public employees' retirement systems administered by the Public Employees Retirement Board	Nebraska Retirement Systems
LR369	Interim study to carry out the provisions of 13-2402 which require the Nebraska Retirement Systems Committee to monitor underfunded defined benefit plans administered by political subdivisions	Nebraska Retirement Systems

LR370	Interim study to conduct a review of issues arising from the lack of mental health treatment for those in the criminal justice system	Judiciary
LR371	Interim study to compile information regarding the number and nature of fence dispute claims filed pursuant to 34-112.02 and the extent to which mediation services have been utilized	Agriculture
LR372	Interim study to examine school violence and identify steps that can be taken to preserve our schools as safe environments for learning and growth	Education
LR373	Interim study to examine the potential for public safety officers to retain a portion of pension funds for health care under section 402(l) of the Internal Revenue Code	Nebraska Retirement Systems
LR374	Interim study to examine the regional boundaries of the Nebraska Planning and Development Regions	Government, Military and Veterans Affairs
LR375	Interim study to examine issues under the jurisdiction of the General Affairs Committee	General Affairs
LR376	Interim study to examine whether the Property and Casualty Insurance Rate and Form Act should be amended to modernize and reduce regulatory requirements for commercial lines of property and casualty insurance	Banking, Commerce and Insurance
LR377	Interim study to review procedures and practices at the Youth Rehabilitation Center-Kearney and the Youth Rehabilitation and Treatment Center-Geneva with the intent to improve safety and security	Health and Human Services
LR378	Interim study to examine what changes to the Uniform Protected Series Act are necessary for the act to best fit within Nebraska entity law and practices	Banking, Commerce and Insurance
LR379	Interim study to examine the potential impact of changing provisions under the Industrial Relations Act for the determination of working conditions for noncertificated or noninstructional school employees by including criteria related to the property tax base of the employer	Business and Labor

LR381	Interim study to examine the inclusion of financial literacy and entrepreneurship in the academic content standards adopted by the State Board of Education as proposed in LB 1094, 2018	Education
LR382	Interim study to conduct a comprehensive review of state laws affecting farm wineries	General Affairs
LR383	Interim study to examine the feasibility of adopting a workers' compensation drug formulary	Business and Labor
LR384	Interim study to examine the prevalence of cancer in Nebraska and to examine the existing state funding sources that go towards cancer research	Appropriations
LR386	Interim study to examine the impact on state spending as a result of the use of tobacco products in Nebraska	Appropriations
LR387	Interim study to examine issues relating to the spread of Eastern Redcedar trees	Natural Resources
LR388	Interim study to examine issues related to updating the Nebraska Advantage Act	Revenue
LR389	Interim study to examine criteria for economic development tools funded by the Legislature	Appropriations
LR390	Interim study to examine the success of the Office of Violence Prevention since its establishment	Judiciary
LR391	Interim study to examine the effects on elections should Nebraska switch to an all vote-by-mail system	Government, Military and Veterans Affairs
LR392	Interim study to examine neighborhood issues and potential neighborhood improvement tools	Urban Affairs
LR393	Interim study to examine delinquent or unpaid school meal accounts in Nebraska schools and school districts	Education
LR394	Interim study to examine policies and practices designed to assist low-income Nebraskans at risk of utility shutoffs due to overdue payments	Natural Resources
LR395	Interim study to examine issues to identify the needs of and improve upon the emergency medical services system provided by volunteers in Nebraska	Health and Human Services

LR396	Interim study to examine possible changes to the School Employees Retirement Act and the Class V School Employees Retirement Act	Nebraska Retirement Systems
LR397	Interim study to examine the statutory authority for municipalities to establish port authorities	Urban Affairs
LR398	Interim study to examine the impact of sanitary and improvement districts upon annexations by municipalities	Urban Affairs
LR399	Interim study to examine issues related to metropolitan transit authorities	Urban Affairs
LR400	Interim study to examine issues related to the Nebraska Municipal Land Bank Act	Urban Affairs
LR401	Interim study to identify the lawful occupations and the occupational regulations which are subject to the Occupational Board Reform Act and to prepare for implementation of the act	Executive Board
LR402	Interim study to examine the issue of granting local school boards the authority to allow school employees to carry concealed handguns on school grounds	Judiciary
LR403	Interim study to examine the enrollment option program	Education
LR404	Interim study to examine the potential impact of Opportunity Zones under the federal Tax Cuts and Jobs Act on municipalities in Nebraska	Urban Affairs
LR405	Interim study to examine the conditions which lead to the congregation, isolation, and segregation of Nebraskans with mental illness who reside in institutional settings and those at risk of placement in institutional settings due to a lack of community support and services	Health and Human Services
LR406	Interim study to examine the feasibility of adopting the American Bar Association's Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases	Judiciary

LR407	Interim study to examine the self-funded model that has led to the development and management of technology to allow citizens electronic access to government information and services	Government, Military and Veterans Affairs
LR408	Interim study to examine resources available to the state and political subdivisions to fund roads	Revenue
LR409	Interim study to examine issues related to the disconnection of territory from the corporate limits of cities of the first class, cities of the second class, and villages	Urban Affairs
LR410	Interim study to examine issues related to the municipal regulation of railroads	Urban Affairs
LR411	Interim study to examine issues under the jurisdiction of the Urban Affairs Committee	Urban Affairs
LR412	Interim study to examine the statutes governing cities of the primary class	Urban Affairs
LR413	Interim study to examine strategies to strengthen Nebraska's workforce and build financial mobility and independence, particularly among working parents with young children	Health and Human Services
LR414	Interim study to examine the overall impact of the area agencies on aging and their interaction with the Aging and Disability Resource Center	Health and Human Services
LR415	Interim study to examine the effectiveness of statute 29-901, as relates to the imposition of bail and the requiring of money bonds for misdemeanors and city ordinance violations	Judiciary
LR416	Interim study to examine which advertising practices should be considered unlawful acts under the Weights and Measures Act	Agriculture
LR417	Interim study to examine whether inmates in county jails, who are eligible to vote, are being unconstitutionally disenfranchised due to their circumstances	Government, Military and Veterans Affairs
LR418	Interim study to examine the disproportionality that exists in Nebraska's foster care and juvenile justice systems	Judiciary
LR419	Interim study to examine the term "shaken baby syndrome" as it exists within Nebraska statutes	Health and Human Services

LR420	Interim study to examine possible collaboration between the Dept. of Health and Human Services and the Dept. of Education to address behavioral or mental health issues for Nebraska students	Health and Human Services
LR421	Interim study to examine the operating expenses and fees charged for inspections, plans reviews, and other services by the Housing and Recreational Vehicle Dept. of the Public Service Commission	Urban Affairs
LR422	Interim study to examine the issuance and usage of electronic prescriptions in accordance with regulatory standards	Health and Human Services
LR423	Interim study to examine the application of adverse possession in the State of Nebraska and to consider recommendations for modernizing the doctrine to meet contemporary requirements	Judiciary
LR424	Interim study to examine a comprehensive list of issues related to the operation of autonomous vehicles in Nebraska	Transportation and Telecommunications
LR425	Interim study to examine issues under the jurisdiction of the Transportation and Telecommunications Committee	Transportation and Telecommunications
LR426	Interim study to examine issues raised by LB 1031, 2018, which considered whether the One-Call Notification System Act should be updated	Transportation and Telecommunications
LR427	Interim study to investigate transferring the recreational vehicles franchise statutes into a distinct and separate section of law	Transportation and Telecommunications
LR428	Interim study to examine the potential of micro-credentialing in Nebraska	Education
LR429	Interim study to examine the role and purpose of school resource officers	Judiciary
LR430	Interim study to examine the federal Family First Prevention Services Act of 2017 and its implementation in Nebraska	Appropriations
LR431	Interim study to analyze and review reimbursement rates for ambulatory surgical centers and outpatient hospitals with respect to the provision of workers' compensation services and determine the effectiveness of current billing and reimbursement methods	Business and Labor

LR432	Interim study to examine issues faced by renters in Nebraska including rental deposits and fees, recourse for renters when rights are violated, and other issues	Judiciary
LR433	Interim study to evaluate the availability of affordable housing in Nebraska municipalities with an emphasis on rental housing	Urban Affairs
LR434	Interim study to examine school structure and finance	Education
LR435	Interim study to review how the Nebraska State Patrol conducts internal affairs investigations into potential civil and criminal violations of its members	Judiciary
LR436	Interim study to evaluate the effectiveness of occupational licensing processes in accommodating military spouses and transitioning service members	Health and Human Services
LR437	Interim study to analyze possible improvements and changes to the standing committee system of the Legislature	Executive Board
LR438	Interim study to examine the benefits of the creation of an educational trust fund	Education
LR439	Interim study to examine the ongoing implementation and impact of LB 276, 2014, which made medicaid reimbursement available for a broader array of services delivered to medicaid-eligible special education students	Education
LR440	Interim study to examine issues relating to the Nebraska Coalition for Patient Safety	Health and Human Services
LR441	Interim study to examine telecommunications services in Nebraska	Transportation and Telecommunications
LR442	Interim study to examine the underlying appropriation issues contributing to the financial hardship experienced by rural long-term care providers across the State of Nebraska	Appropriations
LR443	Interim study to examine the issues surrounding the adoption of a state strategic plan	Executive Board
LR444	Interim study to examine issues surrounding film and media production in Nebraska	Appropriations

LR445	Interim study to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund	Appropriations
LR446	Interim study to examine existing best practices for anti-bullying policies and practices in K-12 education and the feasibility of adopting these standards	Education
LR447	Interim study to examine security measures to ensure safety in schools	Judiciary
LR448	Interim study to conduct a comprehensive review of Nebraska's Medicaid Insurance for Workers with Disabilities eligibility under the Medical Assistance Act	Health and Human Services
LR449	Interim study to examine the jurisdiction of the State Racing Commission and the role of the commission in promoting the best interests of the horse racing industry	General Affairs
LR450	Interim study to examine methods of increasing solar development in Nebraska	Natural Resources
LR451	Interim study to examine the work of the Nebraska Children's Commission and to evaluate the need for the commission's continuation and any revisions to its structure and purpose	Health and Human Services
LR452	Interim study to examine alternative teacher certification programs	Education
LR453	Interim study to examine net neutrality	Transportation and Telecommunications
LR454	Interim study to examine taxes and fees on wireless services	Revenue
LR455	Interim study to identify evidence-based best practices for establishing an early warning system to identify and respond to fiscal distress among local political subdivisions	Government, Military and Veterans Affairs
LR456	Interim study to examine the Student Discipline Act	Education
LR457	Interim study to examine state fiscal resources that exist to support first generation students	Appropriations
LR458	Interim study to examine the feasibility of developing a process for the preparation and consideration of racial impact statements relating to possible legislation	Executive Board

LR459	Interim study to create legislation to assure that no person will be discriminated against on the basis of a disability in situations arising under the juvenile code in which he or she faces termination or limitation of his or her parental rights	Judiciary
LR460	Interim study to create legislation to assure no person will be discriminated against on the basis of a disability when he or she is being considered as an adoptive parent in an adoption or obtaining guardianship or foster parenting status or placement	Health and Human Services
LR461	Interim study to conduct a review of the Affordable Housing Trust Fund and make recommendations to support and increase affordable housing funding in Nebraska	Appropriations
LR462	Interim study to examine the possible elimination of various exemptions of goods and exclusions of services under Nebraska's sales and use tax laws	Revenue
LR463	Interim study to examine statutes related to augmentation projects in relationship to the Nebraska Cooperative Republican Platte Enhancement interlocal project in Lincoln County	Natural Resources
LR464	Interim study to review public power	Natural Resources
LR465	Interim study to review issues pertaining to funding Nebraska's infrastructure system	Revenue
LR466	Interim study to review issues pertaining to water quality	Natural Resources
LR467	Interim study to examine the Nebraska Juvenile Code	Judiciary
LR468	Interim study to review criminal offenses throughout the Nebraska statutes	Judiciary
LR469	Interim study to examine the processes by which state government contracts with small businesses	Government, Military and Veterans Affairs

(Signed) Dan Watermeier, Chairperson
Executive Board

AMENDMENT(S) - Print in Journal

Senator Blood filed the following amendment to LB791:

AM2809

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new section:
- 3 Section 1. (1) A state employee may make a report of sexual
- 4 harassment to the Department of Administrative Services. The department
- 5 shall investigate the report or ensure that an investigation is conducted
- 6 by the agency which employs the reporting employee.
- 7 (2) The department and the agency which employs the reporting
- 8 employee shall maintain the confidentiality of the reporting employee and
- 9 any other person making a report of sexual harassment or participating in
- 10 an investigation or internal agency proceeding under this section except:
- 11 (a) When disclosure is authorized in writing by such employee or
- 12 other person;
- 13 (b) The identity of such employee or other person may be disclosed
- 14 to the individual alleged to have committed the sexual harassment; and
- 15 (c) When necessary for conducting the investigation or imposing
- 16 discipline.
- 17 (3) The agency employing the reporting employee shall not retaliate
- 18 or discriminate against the reporting employee or any other person for:
- 19 (a) Initiating or participating in the making of a report of sexual
- 20 harassment; or
- 21 (b) Testifying, assisting, or participating in an investigation,
- 22 proceeding, or action concerning the sexual harassment.

Senator Smith filed the following amendment to LB1089:

AM2806

(Amendments to Standing Committee amendments, AM2049)

- 1 1. Strike section 21 and insert the following new sections:
- 2 Section 1. Section 77-118, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 77-118 (1) Nebraska adjusted basis shall mean the adjusted basis of
- 5 property as determined under the Internal Revenue Code increased by the
- 6 total amount allowed under the code for depreciation or amortization or
- 7 pursuant to an election to expense depreciable property under section 179
- 8 of the code.
- 9 (2) For purchases of depreciable personal property occurring on or
- 10 after January 1, 2018, and before January 1, 2020, if there is an
- 11 election to expense the depreciable property under section 179 of the
- 12 code and similar personal property is traded in as part of the payment
- 13 for the newly acquired property, the Nebraska adjusted basis shall be the
- 14 remaining net book value of the property traded in, plus the additional
- 15 amount that was paid by the taxpayer for the newly acquired property.
- 16 Sec. 22. Sections 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18,
- 17 19, 20, 24, and 25 of this act become operative on January 1, 2019. The
- 18 other sections of this act become operative on their effective date.
- 19 2. On page 19, line 31, after "Original" insert "section 77-118,
- 20 Reissue Revised Statutes of Nebraska,".
- 21 3. Renumber the remaining sections accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 473. Introduced by Bolz, 29.

WHEREAS, working Nebraskans have a variety of unique needs in many areas including health care, fair treatment, safe jobs, good benefits, and equal opportunities; and

WHEREAS, advocacy for issues facing working Nebraskans has been important in educating the members of the Legislature and finding solutions for the issues facing working women, men, and their families; and

WHEREAS, Lori Meyers has worked to advocate for the interests of working people for more than forty-one years; and

WHEREAS, Lori Meyers has served as the AFL-CIO/United Way Labor Liaison for the United Way of Lincoln and Lancaster County since 2009; and

WHEREAS, prior to joining the United Way of Lincoln and Lancaster County, Lori Meyers served in numerous officer positions, including as the president and business manager of IBEW Local 2366 during her thirty-two year employment with the Square D Company/Schneider Electric in Lincoln, Nebraska; and

WHEREAS, Lori Meyers has unselfishly given her time to volunteerism in the Lincoln community and has been a great inspiration to others; and

WHEREAS, Lori Meyers will be retiring from the United Way of Lincoln and Lancaster County on May 31, 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature thanks Lori Meyers for her years of service for all working families in Nebraska and wishes her a happy retirement.

2. That copies of this resolution be sent to Lori Meyers and the United Way of Lincoln and Lancaster County.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 548. Title read. Considered.

Committee AM2595, found on page 1207, was offered.

Senator Lindstrom withdrew the Lindstrom-Vargas amendment, AM1529, found on page 421.

SPEAKER SCHEER PRESIDING

Pending.

MESSAGE(S) FROM THE GOVERNOR

April 4, 2018

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 42, 104, 157, 379e, 685, 697, 702, 724, 773, 913, 931, 993e, 993Ae, and 1078 were received in my office on March 29, 2018.

These bills were signed and delivered to the Secretary of State on April 4, 2018.

Sincerely,
(Signed) Pete Ricketts
Governor

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 841. Placed on Select File with amendment.
ER171

1 1. In the Ebke amendment, AM2634:

2 a. On page 25, line 5, strike "the provisions of" and show as
3 stricken;

4 b. On page 28, line 18, strike "of the board" and show as stricken;

5 c. On page 48, line 30, strike "offender" and insert "person"; and

6 d. On page 60, line 19, after "83-1,122.01" insert "by this

7 legislative bill".

8 2. On page 1, strike beginning with "correctional" in line 1 through
9 line 3 and insert "criminal justice; to amend sections 28-322, 29-2252,
10 29-2935, 29-4019, 71-961, 81-1401, 83-174.03, 83-174.04, 83-174.05,
11 83-191, 83-192, 83-198, 83-1,102, 83-1,103, 83-1,103.01, 83-1,103.02,
12 83-1,103.03, 83-1,103.04, 83-1,104, 83-1,107.01, 83-1,107.02, 83-1,109,
13 83-1,111, 83-1,112, 83-1,112.01, 83-1,114, 83-1,118, 83-1,120, 83-1,121,
14 83-1,125, and 83-4,157, Reissue Revised Statutes of Nebraska, sections
15 47-624, 47-624.01, 47-627, 47-629, 47-903, 47-908, 47-919, 83-170,
16 83-171, 83-184, 83-1,100, 83-1,100.02, 83-1,101, 83-1,107, 83-1,119,
17 83-1,122.01, 83-1,135, 83-1,135.02, and 83-933, Revised Statutes
18 Cumulative Supplement, 2016, and sections 29-2261 and 83-1,110.02,
19 Revised Statutes Supplement, 2017; to define and redefine terms; to
20 change provisions relating to conditional release of committed offenders;
21 to rename the Office of Parole Administration; to change the title of
22 Parole Administrator; to provide and change powers and duties for the
23 Department of Correctional Services, Board of Parole, Division of Parole

24 Supervision, and Director of Supervision and Services; to change
 25 provisions relating to administration of parole services and conditions
 26 of parole; to create a fund; to prohibit and provide a penalty for
 27 certain acts toward employees of the Board of Parole; to change
 1 conditions for eligibility for medical parole; to provide for
 2 applicability of certain provisions; to provide duties for the medical
 3 director of the Department of Correctional Services; to require a
 4 staffing analysis by the department; to require an implementation plan
 5 for the accelerated parole review process; to require reports; to
 6 eliminate provisions regarding deputy parole officers and certain
 7 violations of parole; to repeal the original sections; and to outright
 8 repeal section 83-1,124, Reissue Revised Statutes of Nebraska."

LEGISLATIVE BILL 902. Placed on Select File.

LEGISLATIVE BILL 807. Placed on Select File with amendment.

ER169

1 1. In the Standing Committee amendments, AM2392, on page 4, line 1,
 2 after "and" insert "(d)".
 3 2. On page 1, line 2, strike "a statue" and insert "statues"; and in
 4 line 3 strike "a committee" and insert "committees".

(Signed) Anna Wishart, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 807A. Introduced by Harr, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 807, One Hundred Fifth Legislature, Second Session, 2018.

LEGISLATIVE BILL 1065A. Introduced by Murante, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1065, One Hundred Fifth Legislature, Second Session, 2018.

LEGISLATIVE BILL 791A. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 791, One Hundred Fifth Legislature, Second Session, 2018.

AMENDMENT(S) - Print in Journal

Senator Murante filed the following amendment to LB1065A:
 FA143
 Strike Section 1.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator McDonnell has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

GENERAL FILE

LEGISLATIVE BILL 548. Committee AM2595, found on page 1207 and considered in this day's Journal, was renewed.

SENATOR HILGERS PRESIDING

Senator Harr moved the previous question. The question is, "Shall the debate now close?"

Senator Lindstrom moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

Senator Lindstrom requested a roll call vote, in reverse order, on the committee amendment.

Voting in the affirmative, 22:

Baker	Hansen	Lindstrom	Quick	Wayne
Blood	Harr	McCollister	Scheer	Wishart
Bolz	Hilkemann	McDonnell	Thibodeau	
Chambers	Howard	Morfeld	Vargas	
Crawford	Kolowski	Pansing Brooks	Walz	

Voting in the negative, 17:

Albrecht	Erdman	Kolterman	Lowe	Williams
Brasch	Halloran	Kuehn	Riepe	
Brewer	Hilgers	Larson	Schumacher	
Clements	Hughes	Linehan	Watermeier	

Present and not voting, 8:

Bostelman	Friesen	Groene	Smith
Briese	Geist	Murante	Stinner

Excused and not voting, 2:

Ebke Krist

The committee amendment lost with 22 ayes, 17 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

MESSAGE(S) FROM THE GOVERNOR

April 4, 2018

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 944e, 945e, 946e, and 950e were received in my office on April 3, 2018.

These bills were signed and delivered to the Secretary of State on April 4, 2018.

Sincerely,
(Signed) Pete Ricketts
Governor

RESOLUTION(S)

LEGISLATIVE RESOLUTION 474. Introduced by Schumacher, 22.

WHEREAS, Jerome "Jerry" Deichert's passion is making demographic and economic information more useful for decisionmaking; and

WHEREAS, Jerry has worked for the University of Nebraska Omaha (UNO) Center for Public Affairs Research (CPAR) since 1987, has been the Director of CPAR since 1999, has managed the Nebraska State Data Center since 1988, has taught graduate and undergraduate classes in the College of Public Affairs and Community Service, and has been a mentor to many UNO students; and

WHEREAS, under Jerry's leadership, CPAR is the lead agency in Nebraska for all U.S. census data and the authoritative source in the state for

objective information about census topics and is regularly consulted by newspaper reporters, public and private organizations, and researchers; and

WHEREAS, CPAR has held its Data Users Conference since 1990, hosting as many as 350 attendees annually from a wide variety of organizations in the region who are then empowered to use census data for their own research and community action; and

WHEREAS, during Jerry's term as the director, CPAR has won several awards including the 2006-07 Chancellor's Strategic Planning Award for Community Engagement, the U.S. Census Bureau's Gustafson Award for outstanding contributions to the State Data Center Network in 2016, and the UNO Office of Research and Creative Activity Faculty Research Award for having the largest award amount in 2018; and

WHEREAS, Jerry has published numerous articles and reports in academic journals and other outlets that analyze data for the state, including economic and population projections for the state, counties, and other sub-areas. Many community development efforts have relied on data provided and interpreted by Jerry for long-term planning; and

WHEREAS, Jerry was presented with the Del and Lou Ann Weber Award of Excellence in 2005, which recognizes an individual from UNO who provides outstanding professional service at the local, regional, or national level; and

WHEREAS, Jerry has been a member of the Nebraska Economic Forecasting Advisory Board since 1988 and currently serves as the chair, providing objective and accurate revenue forecasts used by both the Governor and the Legislature in developing the state budget; and

WHEREAS, Jerry led the university's efforts to assist the Legislature's Planning Committee since the inception of the committee in 2009. In this endeavor, Jerry and his colleagues have developed a comprehensive data base which provides objective, authoritative data on several different policy areas spanning the range of state government, a series of twenty-nine policy briefs that have had significant influence on state policymaking, and other demographic reports useful to legislators; and

WHEREAS, Jerry will retire in June of 2018 after over thirty years at UNO, where he brought objective information to bear on a vast array of topics, gained tremendous respect from lawmakers, colleagues, and the general public, and achieved a synergy between research and community service that is at the heart of UNO's mission, and he did so with humility, perseverance, and good humor that is a model for all of us.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature expresses its appreciation to Jerome "Jerry" Deichert for his service and dedication to the university, students, communities, the Legislature, and the State of Nebraska.

2. That the Legislature congratulates and honors Jerome "Jerry" Deichert on his retirement and wishes him continued success and happiness.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 548. Senator Kolterman withdrew his amendments, AM1506, AM1652, and AM1758, found on pages 277, 456, and 529.

Pending.

LEGISLATIVE BILL 389. Title read. Considered.

SPEAKER SCHEER PRESIDING

Committee AM1456, found on page 748, was offered.

Senator Smith offered the following motion:

MO322

Bracket until April 18, 2018.

SENATOR HUGHES PRESIDING**SPEAKER SCHEER PRESIDING**

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 475. Introduced by Hilkemann, 4; Blood, 3; Crawford, 45; Harr, 8; Howard, 9; Kolowski, 31; Krist, 10; Lindstrom, 18; Linehan, 39; McCollister, 20; McDonnell, 5; Murante, 49; Riepe, 12; Scheer, 19; Smith, 14; Thibodeau, 6; Vargas, 7; Wayne, 13.

WHEREAS, Home Instead Senior Care is a Nebraska-based company founded in 1994 by Lori and Paul Hogan with more than 1,100 franchises in 12 countries; and

WHEREAS, Home Instead Senior Care provides personalized care, support, and education to help enhance the lives of aging adults and their families; and

WHEREAS, Home Instead Senior Care was recently honored with the J.D. Power President's Award in recognition for its high level of care and customer service; and

WHEREAS, J.D. Power is a global leader in consumer insights, advisory services, and data and analytics; and

WHEREAS, the J.D. Power President's Award is a highly competitive and prestigious award given to individuals or companies who exhibit dedication, commitment, and sustained improvement in service to consumers; and

WHEREAS, Home Instead Senior Care is one of only fourteen companies to receive this award during J.D. Power's fifty-year history.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Home Instead Senior Care on being awarded the J.D. Power President's Award.
2. That a copy of this resolution be sent to Home Instead Senior Care.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator Brewer name added to LB807.

VISITORS

Visitors to the Chamber were 32 fourth-grade students from Twin River Schools, Genoa; Senator Howard's mother, former Senator Gwen Howard, from Omaha; Merylee Shelton from San Jose, CA; and 7 FFA students from Randolph.

RECESS

At 5:58 p.m., on a motion by Senator Kuehn, the Legislature recessed until 6:30 p.m.

AFTER RECESS

The Legislature reconvened at 6:30 p.m., Speaker Scheer presiding.

ROLL CALL

The roll was called and all members were present except Senators Linehan and Thibodeau who were excused; and Senators Briese, Groene, Howard, Hughes, Kolowski, Krist, Larson, Lindstrom, Murante, Stinner, Walz, Wayne, and Wishart who were excused until they arrive.

MOTION(S) - Print in Journal

Senator Morfeld filed the following motion to LR1CA:
MO317
Recommit to the Government, Military and Veterans Affairs Committee.

Senator Brasch filed the following motion to LB1103:
MO318
Bracket until April 18, 2018.

Senator Brasch filed the following motion to LB1103:
MO319
Bracket until April 18, 2018.

Senator Smith filed the following motion to LB1103:
 MO320
 Recommit to the Education Committee.

Senator Smith filed the following motion to LB1103:
 MO321
 Recommit to the Education Committee.

AMENDMENT(S) - Print in Journal

Senator Morfeld filed the following amendment to LR1CA:
 AM2805

- 1 1. On page 1, line 14, after "voter" insert "named Adam Scott
- 2 Morfeld".
- 3 2. On page 2, line 1, after "identification" insert "by Adam Scott
- 4 Morfeld".

Senator Morfeld filed the following amendment to LR1CA:
 AM2815

- 1 1. On page 1, line 14, after "voter" insert "who belongs to a
- 2 different political party than John Murante".
- 3 2. On page 2, line 1, after "identification" insert "by each voter
- 4 who belongs to a different political party than John Murante".

Senator Lindstrom filed the following amendment to LB194:
 AM2792

(Amendments to Standing Committee amendments, AM2587)

- 1 1. Insert the following new section:
- 2 Sec. 22. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
- 3 16, 17, 18, 20, 21, and 23 of this act become operative on January 1,
- 4 2019. The other sections of this act become operative on their effective
- 5 date.
- 6 2. On page 2, strike beginning with "11" in line 23 through "20" in
- 7 line 24 and insert "10, 11, 12, 13, 15, and 19".
- 8 3. On page 3, line 24, after "receives" insert "the proceeds of".
- 9 4. On page 7, line 14, strike "AT" and insert "BEFORE".
- 10 5. On page 8, line 17, strike "on or"; and in line 26, strike "The
- 11 maker shall not be charged" and insert "Neither the licensee nor any
- 12 affiliate of the licensee shall charge the maker".
- 13 6. On page 9, line 13, strike "other person", show as stricken, and
- 14 insert "an affiliate of the licensee"; and in line 15 after "licensee"
- 15 insert ", except for an authorization to debit an account
- 16 electronically".
- 17 7. On page 10, line 27, strike "or any other person, including a
- 18 and insert ", affiliate of a licensee, or".
- 19 8. On page 15, line 7, strike "to" and insert "and"; and in line 8
- 20 after "transactions" insert "as part of such order".
- 21 9. Renumber the remaining section accordingly.

Senator Chambers filed the following amendment to LR1CA:

FA144

Page 1, line 7 strike "All" and insert "Some"; line 8 after "qualified" insert "white"; line 9 strike the period and insert "reserved for white citizens, except as may be provided by the Legislature."

Senator Chambers filed the following amendment to LR1CA:

FA145

Page 1, line 11 after "eligible" insert "white"; line 13 strike "public" and insert "white public's"; line 14 strike "each voter shall" and insert "no white voter need"; line 16 beginning with "The" strike all language through the period in line 20.

GENERAL FILE

LEGISLATIVE BILL 389. The Smith motion, MO322, found in this day's Journal, to bracket until April 18, 2018, was renewed.

SENATOR WILLIAMS PRESIDING

Pending.

AMENDMENT(S) - Print in Journal

Senator Larson filed the following amendment to LB989:

AM2787

(Amendments to Standing Committee amendments, AM2612)

1 1. Strike amendment 1 and insert the following new amendment:

2 1. Strike the original sections and insert the following new
3 sections:

4 Section 1. For purposes of sections 1 to 8 of this act, the

5 following definitions apply:

6 (1) Automated driving system means the hardware and software that
7 are collectively capable of performing the entire dynamic driving task on
8 a sustained basis regardless of whether it is limited to a specific
9 operational design domain, if any;

10 (2) Automated driving system-equipped vehicle means a motor vehicle
11 equipped with an automated driving system;

12 (3) Conventional human driver means a human person who manually
13 exercises in-vehicle braking, accelerating, steering, and transmission
14 gear selection input devices in order to operate a motor vehicle;

15 (4) Driverless capable vehicle means a motor vehicle equipped with
16 an automated driving system capable of performing all aspects of the
17 dynamic driving task within its operational design domain, if any,
18 including achieving a minimal risk condition, without any intervention or
19 supervision by a conventional human driver;

20 (5) Department means the Department of Motor Vehicles;

21 (6) Dynamic driving task means all of the real-time operational and
22 tactical functions required to operate a motor vehicle within its

23 specific operational design domain, if any, excluding the strategic
24 functions such as trip scheduling and selection of destinations and
25 waypoints;

26 (7) Minimal risk condition means a reasonably safe state to which an
1 automated driving system brings an automated driving system-equipped
2 vehicle upon experiencing a performance-related failure of the vehicle's
3 automated driving system that renders the vehicle unable to perform the
4 entire dynamic driving task, such as bringing the vehicle to a complete
5 stop and activating the hazard lamps;

6 (8) On-demand driverless capable vehicle network means a
7 transportation service network that uses a software application or other
8 digital means to dispatch driverless capable vehicles for purposes of
9 transporting persons or goods, including for-hire transportation,
10 transportation for compensation, and public transportation; and

11 (9) Operational design domain means a description of the specific
12 operating domain in which an automated driving system is designed to
13 properly operate, including, but not limited to, roadway types, speed
14 range, environmental conditions such as weather and time of day, and
15 other domain constraints.

16 Sec. 2. A driverless capable vehicle may operate on the public
17 roads of this state without a conventional human driver physically
18 present in the vehicle, as long as the vehicle meets the following
19 conditions:

20 (1) The vehicle is capable of achieving a minimal risk condition if
21 a malfunction of the automated driving system occurs that renders the
22 system unable to perform the entire dynamic driving task within its
23 intended operational design domain, if any;

24 (2) While in driverless operation, the vehicle is capable of
25 operating in compliance with the applicable traffic and motor vehicle
26 safety laws and regulations of this state that govern the performance of
27 the dynamic driving task, unless an exemption has been granted by the
28 department; and

29 (3) When required by federal law, the vehicle has been certified in
30 accordance with federal regulations in 49 C.F.R. part 567, as such part
31 existed on the effective date of this act, as being in compliance with
1 applicable federal motor vehicle safety standards and the vehicle bears
2 the required certification label or labels including reference to any
3 exemption granted under applicable federal law.

4 Sec. 3. (1) Notwithstanding any other provision of law, the
5 operation on the public roads of this state of an automated driving
6 system-equipped vehicle capable of performing the entire dynamic driving
7 task within its operational design domain while a conventional human
8 driver is present is lawful. Such operation shall be subject to the
9 Nebraska Rules of the Road, as applicable. In addition, the conventional
10 human driver shall be licensed as required under the Motor Vehicle
11 Operator's License Act, shall remain subject to the Nebraska Rules of the
12 Road, shall operate the automated driving system-equipped vehicle
13 according to the manufacture's requirements and specifications, and shall
14 regain manual control of the vehicle upon the request of the automated

15 driving system.

16 (2) The automated driving system feature, while engaged, shall be
17 designed to operate within its operational design domain in compliance
18 with the Nebraska Rules of the Road, unless an exemption has been granted
19 by the department.

20 Sec. 4. Before an automated driving system-equipped vehicle may
21 operate on the public roads of this state, a person shall submit proof of
22 financial responsibility satisfactory to the department that the
23 automated driving system-equipped vehicle is covered by insurance or
24 proof of self-insurance that satisfies the requirements of the Motor
25 Vehicle Safety Responsibility Act.

26 Sec. 5. (1) Notwithstanding any other provision of law, a person
27 may operate an on-demand driverless capable vehicle network. Such a
28 network may provide transportation of persons or goods, including:
29 (a) For-hire transportation, including transportation for multiple
30 passengers who agree to share the ride in whole or in part; and
31 (b) Public transportation.

1 (2) An on-demand driverless capable vehicle network may connect
2 passengers to driverless capable vehicles either (a) exclusively or (b)
3 as part of a digital network that also connects passengers to human
4 drivers who provide transportation services, consistent with applicable
5 law, in vehicles that are not driverless-capable vehicles.

6 Sec. 6. Subject to section 2 of this act, the Nebraska Rules of the
7 Road shall not be construed as requiring a conventional human driver to
8 operate a driverless capable vehicle that is being operated by an
9 automated driving system, and the automated driving system of such
10 vehicle, when engaged, shall be deemed to fulfill any physical acts
11 required of a conventional human driver to perform the dynamic driving
12 task.

13 Sec. 7. In the event of a crash or collision:

14 (1) The automated driving system-equipped vehicle shall remain on
15 the scene of the crash or collision and otherwise comply with sections
16 60-696 to 60-698; and

17 (2) The owner of the automated driving system-equipped vehicle, if
18 capable, or a person on behalf of the automated driving system-equipped
19 vehicle owner, shall report any crash or collision as required by section
20 60-698.

21 Sec. 8. (1) Automated driving system-equipped vehicles and
22 automated driving systems are governed exclusively by sections 1 to 8 of
23 this act. The department is the sole and exclusive state agency that may
24 implement sections 1 to 8 of this act.

25 (2) The state or any political subdivision shall not impose
26 requirements, including performance standards, specific to the operation
27 of automated driving system-equipped vehicles, automated driving systems,
28 or on-demand driverless capable vehicle networks in addition to the
29 requirements of sections 1 to 8 of this act.

30 (3) The state or any political subdivision thereof shall not impose
31 a tax or other requirements on an automated driving system-equipped
1 vehicle, an automated driving system, or an on-demand driverless capable

2 vehicle network, where such tax or other requirements relate specifically
 3 to the operation of automated driving system-equipped vehicles.

Senator Friesen filed the following amendment to LB389:
 AM2803

(Amendments to Standing Committee amendments, AM1456)

- 1 1. Strike section 33 and insert the following new section:
 2 Sec. 39. The Small Wireless Facilities Deployment Act does not
 3 apply to:
 4 (1) The University of Nebraska system, the Nebraska State College
 5 System, the community college system, and all campuses, areas, and
 6 property of such systems; or
 7 (2) A rural public power supplier which includes a public power
 8 district, a public power and irrigation district, an electric
 9 cooperative, or an electric membership association, that does not provide
 10 electric service to any city of the metropolitan class, city of the
 11 primary class, or city of the first class.
 12 2. On page 1, line 8, after "interest" insert "and public policy";
 13 in line 12 after "is" insert "necessary to address public need and policy
 14 and is"; in line 14 after "goals" insert "and public policy"; and in
 15 line 22 strike the first "the" and insert "the public need and policy
 16 and".
 17 3. On page 2, line 5, after "Act" insert ", together with any taxes,
 18 fees, or charges imposed under section 86-704,"; and in lines 9 and 10
 19 strike "by recovering their costs of" and insert "for".
 20 4. On page 4, line 13, strike "federal interstate highway" and
 21 insert "freeway as defined in section 39-1302 or the National System of
 22 Interstate and Defense Highways".
 23 5. On page 7, line 11, strike "subsection (4)" and insert
 24 "subsections (4) and (5)".
 25 6. On page 8, line 15, strike "exclusively" and insert "and used".
 26 7. On page 11, line 25, after the semicolon insert "and"; in line 30
 1 strike "; and" and insert an underscored period; and strike line 31 and
 2 insert the following new subsection:
 3 "(5)(a) Notwithstanding any other provision of the Small Wireless
 4 Facilities Deployment Act, for any construction, operation, collocation,
 5 maintenance, relocation, or placement of wireless facilities, utility
 6 poles, or wireless support structures that occurs upon, above, across, or
 7 under a state or federal highway or upon a state-owned utility pole or
 8 wireless support structure, the application process, location, and
 9 installation of such facilities, poles, or structures, as such pertain to
 10 the present and future use of the right-of-way or state-owned poles or
 11 wireless support structures for highway purposes, shall be subject to the
 12 rules and regulations, guidance documents, and usual and customary
 13 permitting requirements of the State of Nebraska and the Department of
 14 Transportation, including, but not limited to, requirements for location
 15 and design review, liability and automobile insurance, indemnification of
 16 the department from liability, protection of public safety and property
 17 interests, and compliance with federal transportation funding

18 requirements.
 19 (b) Traffic signal utility poles and traffic control devices owned
 20 by the Department of Transportation shall not be used for the collocation
 21 of small wireless facilities under the Small Wireless Facilities
 22 Deployment Act. State highway lighting utility poles may be used for
 23 collocation of small wireless facilities only if: (i) There are
 24 insufficient reasonable alternative collocation options at or near the
 25 requested location; (ii) the small wireless facilities can be safely
 26 installed, operated, and maintained; and (iii) the collocation of the
 27 small wireless facilities will not violate reasonable wind, ice, weight,
 28 and seismic loading requirements on state highway lighting utility poles.
 29 (c) Applicants that collocate small wireless facilities on state
 30 highway lighting utility poles assume the risk of loss or damage to, or
 31 loss of use of, such facilities when such poles are damaged, destroyed,
 1 or taken out of service on state property, except to the extent that such
 2 loss or damage is due to or caused by the negligence or willful
 3 misconduct of the Department of Transportation or its employees,
 4 contractors, or agents. This subdivision does not preclude claims against
 5 entities other than the Department of Transportation.
 6 (d) The construction, operation, maintenance, collocation, or
 7 placement of wireless facilities, utility poles, or wireless support
 8 structures shall occur at no cost to the Department of Transportation
 9 unless otherwise agreed in advance between an applicant and the
 10 department.
 11 (e) The Department of Transportation may set and collect a
 12 reasonable application fee to cover its costs in administering the
 13 activities described in this subsection, as well as a uniform and
 14 nondiscriminatory system of annual occupancy rates for the use and
 15 occupancy of state-owned property.
 16 (f) If the future maintenance or construction of a state or federal
 17 highway by the Department of Transportation requires the moving or
 18 relocating of wireless facilities, utility poles, or wireless support
 19 structures, such facilities, poles, or structures shall be removed or
 20 relocated by the owner at the owner's expense and as directed by the
 21 department."
 22 8. On page 12, strike lines 1 through 26; and in line 27 strike
 23 "(5)" and insert "(6)".
 24 9. On page 13, strike beginning with "to" in line 2 through
 25 "section" in line 4 and insert "for work that requires excavation or
 26 closing of sidewalks or vehicular lanes within the right-of-way for such
 27 activities"; in line 5 strike "(6)" and insert "(7)"; and in line 9 after
 28 the second "facility" insert "and related utility pole, unless such pole
 29 is otherwise being used by another utility or is owned by a party other
 30 than the owner of the removed small wireless facility."
 31 10. Renumber the remaining sections and correct internal references
 1 accordingly.

Senator Briese filed the following amendment to LB1103:
 AM2808 is available in the Bill Room.

GENERAL FILE

LEGISLATIVE BILL 953. Title read. Considered.

SENATOR PANSING BROOKS PRESIDING

Committee AM1779, found on page 713, was offered.

Senator Albrecht offered her amendment, AM2742, found on page 1316, to the committee amendment.

The Albrecht amendment was adopted with 25 ayes, 2 nays, 13 present and not voting, and 9 excused and not voting.

Senator Vargas offered the following amendment to the committee amendment:

AM2762

(Amendments to Standing Committee amendments, AM1779)

1 1. Insert the following new sections:

2 Sec. 2. Section 48-2907, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 48-2907 (1) In addition to any other fines or penalties provided by
5 law, if the commissioner finds, after notice and hearing, that a
6 contractor has violated the Employee Classification Act, the contractor
7 shall be assessed, by the commissioner, a five-hundred-dollar fine per
8 each misclassified individual for the first offense and a five-thousand-
9 dollar fine per each misclassified individual for each second and
10 subsequent offense.

11 (2) Any contractor who has unpaid fines for a violation of the
12 Employee Classification Act shall be barred from contracting with the
13 state or any political subdivision until such fines are paid.

14 Sec. 3. Section 48-2911, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 48-2911 Any contract between the state or a political subdivision
17 and a contractor shall require that each contractor who performs
18 construction or delivery service pursuant to the contract submit to the
19 state or political subdivision an affidavit attesting that (1) each
20 individual performing services for such contractor is properly classified
21 under the Employee Classification Act, (2) such contractor has completed
22 a federal I-9 immigration form and has such form on file for each
23 employee performing services, (3) such contractor has complied with
24 section 4-114, (4) such contractor has no reasonable basis to believe
25 that any individual performing services for such contractor is an
26 undocumented worker, and (5) as of the time of the contract, such
1 contractor is not barred from contracting with the state or any political
2 subdivision pursuant to section 48-2907 or 48-2912. Such contract shall
3 also require that the contractor follow the provisions of the Employee
4 Classification Act. A violation of the act by a contractor is grounds for
5 rescission of the contract by the state or political subdivision.

6 2. Renumber the remaining section and correct the repealer
7 accordingly.

The Vargas amendment was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 1 nay, 11 present and not voting, and 8 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Bolz filed the following amendment to LB793:

AM2819

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 68-1111, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 68-1111 Sections 68-1111 to 68-1119 and section 9 of this act shall
6 be known and may be cited as the Aging and Disability Resource Center
7 ~~Demonstration Project Act.~~

8 Sec. 2. Section 68-1113, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

10 68-1113 The purpose of the Aging and Disability Resource Center
11 ~~Demonstration Project Act is to evaluate the feasibility of establishing~~
12 ~~aging and disability resource centers statewide~~ to provide information
13 about long-term care services and support available in the home and
14 community for older Nebraskans or persons with disabilities, family
15 caregivers, and persons who request information or assistance on behalf
16 of others and to assist eligible individuals to access the most
17 appropriate public and private resources to meet their long-term care
18 needs.

19 It is the intent of the Legislature that aging and disability
20 resource centers serve as an ongoing component of Nebraska's long-term
21 care continuum and that aging and disability resource center sites
22 coordinate and establish contractual provider partnerships as necessary
23 with organizations specializing in serving aging persons and persons with
24 disabilities to provide the services described in the act.

25 Sec. 3. Section 68-1114, Revised Statutes Cumulative Supplement,
26 2016, is amended to read:

27 68-1114 For purposes of the Aging and Disability Resource Center
1 ~~Demonstration Project Act:~~

2 (1) Aging and disability resource center means a community-based
3 entity established to provide information about long-term care services
4 and support and to facilitate access to options counseling to assist
5 eligible individuals and their representatives in identifying the most
6 appropriate services to meet their long-term care needs;

7 (2) Area agency on aging has the meaning found in section 81-2208;
8 (3) Center for independent living has the definition found in 29
9 U.S.C. 796a, as such section existed on January 1, ~~2018~~ 2015;
10 (4) Department means the State Unit on Aging of the Division of
11 Medicaid and Long-Term Care of the Department of Health and Human
12 Services or any successor agency designated by the state to fulfill the
13 responsibilities of section 305(a)(1) of the federal Older Americans Act
14 of 1965, 42 U.S.C 3025(a)(1), as such section existed on January 1, ~~2018~~
15 ~~2015~~;
16 (5) Eligible individual means a person who has lost, never acquired,
17 or has one or more conditions that affect his or her ability to perform
18 basic activities of daily living that are necessary to live
19 independently;
20 (6) Options counseling means a service that assists an eligible
21 individual in need of long-term care and his or her representatives to
22 make informed choices about the services and settings which best meet his
23 or her long-term care needs and that uses uniform data and information
24 collection assessments and encourages the widest possible use of
25 community-based options to allow an eligible individual to live as
26 independently as possible in the setting of his or her choice;
27 (7) Representative means a person designated as a legal guardian,
28 designated by a power of attorney or a health care power of attorney, or
29 chosen by law, by a court, or by an eligible individual seeking services,
30 but use of the term representative shall not be construed to disqualify
31 an individual who retains all legal and personal autonomy;
1 (8) Uniform assessment means a single standardized tool used to
2 assess a defined population at a specific time; and
3 (9) University Center for Excellence in Developmental Disability
4 Education, Research and Service means the federally designated University
5 Center for Excellence in Developmental Disability Education, Research and
6 Service of the Munroe-Meyer Institute at the University of Nebraska
7 Medical Center.
8 Sec. 4. Section 68-1115, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:
10 68-1115 The department shall adopt criteria for evaluating plans to
11 operate an aging and disability resource center based on the requirements
12 in section 68-1116 within sixty days after the effective date of this
13 act. The department shall award funding grants for three aging and
14 disability resource centers. The department shall pursue federal matching
15 funds as applicable and allocate such funds to the aging and disability
16 resource centers center demonstration projects. The department shall
17 adopt criteria for evaluating proposals to operate an aging and
18 disability resource center demonstration project based on the
19 requirements in section 68-1116 and release a request for proposals
20 within sixty days after August 30, 2015.
21 Sec. 5. Section 68-1116, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:
23 68-1116 (1) The aging and disability resource centers center
24 demonstration projects shall be established to evaluate the feasibility

25 ~~of establishing aging and disability resource centers statewide as a~~
 26 means of promoting appropriate, effective, and efficient use of long-term
 27 care resources. ~~The aging and disability resource center demonstration~~
 28 ~~projects shall operate through June 30, 2018.~~

29 (2) ~~Each aging and disability resource center demonstration project~~
 30 shall provide one or more of the following services:

31 (a) ~~(1)~~ Comprehensive information on the full range of available
 1 public and private long-term care programs, options, financing, service
 2 providers, and resources within a community, including information on the
 3 availability of integrated long-term care;

4 (b) ~~Options counseling;~~

5 (c) ~~(2)~~ Assistance in accessing and applying for public benefits
 6 programs;

7 ~~(3) Options counseling;~~

8 (d) ~~(4)~~ A convenient point of entry to the range of publicly
 9 supported long-term care programs for an eligible individual;

10 (e) ~~(5)~~ A process for identifying unmet service needs in communities
 11 and developing recommendations to respond to those unmet needs;

12 (f) ~~(6)~~ Facilitation of person-centered transition support to assure
 13 that an eligible individual is able to find the services and support that
 14 are most appropriate to his or her need;

15 (g) ~~(7)~~ Mobility management to promote the appropriate use of public
 16 transportation services by a person who does not own or is unable to
 17 operate an automobile; and

18 (h) ~~(8)~~ A home care provider registry that will provide a person who
 19 needs home care with the names of home care providers and information
 20 about his or her rights and responsibilities as a home care consumer.

21 Sec. 6. Section 68-1117, Revised Statutes Cumulative Supplement,
 22 2016, is amended to read:

23 ~~68-1117 (1) An~~ Within sixty days after the release date of a request
 24 ~~for proposals under section 68-1115, an area agency on aging shall~~
 25 establish a contractual provider partnership with one or more lead
 26 organizations that specialize in serving ~~, after consultation with a~~
 27 ~~collaboration of organizations that serve aging persons and persons with~~
 28 congenital and acquired disabilities to provide services as described in
 29 subsection (2) of section 68-116, including, but not limited to, centers
 30 for independent living and the University Center for Excellence in
 31 Developmental Disability Education, Research and Service, for the purpose
 1 of developing an aging and disability resource center plan. After
 2 consultation with a collaboration of ~~and with other organizations,~~
 3 ~~including, but not limited to,~~ organizations providing advocacy,
 4 protection, and safety for aging persons and persons with congenital and
 5 acquired disabilities, the partnership may submit to the department a
 6 proposal to establish an aging and disability resource center plan
 7 demonstration project. The plan proposal shall specify how organizations
 8 currently serving eligible individuals will be engaged in the process of
 9 delivery of services through the aging and disability resource center
 10 demonstration project. The proposal shall be developed in consultation
 11 with eligible individuals and their representatives. The plan proposal

12 shall indicate how resources will be utilized by the partnership and
 13 collaborating organizations to fulfill the responsibilities of an aging
 14 and disability resource center ~~demonstration project~~.

15 (2) Two or more area agencies on aging and their partner lead
 16 organizations may develop a joint ~~proposal to establish an~~ aging and
 17 ~~disability resource center plan demonstration project~~ to serve all or a
 18 portion of their planning-and-service areas. A joint plan proposal shall
 19 provide information on how the services described in section 68-1116 will
 20 be provided in the counties to be served by the aging and disability
 21 resource center ~~demonstration project described in the joint proposal~~.

22 Sec. 7. Section 68-1118, Revised Statutes Cumulative Supplement,
 23 2016, is amended to read:

24 68-1118 The department shall provide ~~Within thirty days after~~
 25 ~~receipt of a proposal developed pursuant to subsection (1) or (2) of~~
 26 ~~section 68-1117, the department shall review the proposal and determine~~
 27 ~~whether the proposal is eligible for funding. The department shall select~~
 28 ~~three proposals for funding. The department shall enter into a contract~~
 29 ~~with an independent institution having experience in evaluating aging and~~
 30 ~~disability programs for an evaluation of the aging and disability~~
 31 ~~resource center demonstration projects. The contract shall require that a~~
 1 report evaluating the aging and disability resource centers ~~demonstration~~
 2 ~~projects be presented to the Clerk of the Legislature prior to December~~
 3 ~~1, of 2016, 2017, and 2018, and each December 1 thereafter.~~

4 Sec. 8. Section 68-1119, Revised Statutes Cumulative Supplement,
 5 2016, is amended to read:

6 68-1119 The department shall reimburse each area agency on aging and
 7 contracted provider partner lead organizations described in section
 8 68-1117 operating an aging and disability resource center ~~demonstration~~
 9 ~~project~~ on a schedule agreed to by the department and the area agency on
 10 aging and contracted provider partner lead organizations. Such
 11 reimbursement shall be made from (1) state funds appropriated by the
 12 Legislature, (2) federal funds allocated to the department for the
 13 purpose of establishing and operating aging and disability resource
 14 centers, and (3) other funds as available.

15 Sec. 9. The Aging and Disability Resource Center Act terminates two
 16 years after the effective date of this act unless extended by the
 17 Legislature.

18 Sec. 10. Section 71-7611, Revised Statutes Supplement, 2017, is
 19 amended to read:

20 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State
 21 Treasurer shall transfer (a) sixty million three hundred thousand dollars
 22 on or before July 15, 2014, (b) sixty million three hundred fifty
 23 thousand dollars on or before July 15, 2015, (c) sixty million three
 24 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty
 25 million seven hundred thousand dollars on or before July 15, 2017, (e)
 26 sixty-two million one hundred seven thousand dollars on or before
 27 July 15, 2018, (f) sixty-one million eight hundred thousand dollars on or
 28 before July 15, 2019, and (g) (f) sixty million four hundred fifty
 29 thousand dollars on or before every July 15 thereafter from the Nebraska

30 Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement
31 Trust Fund to the Nebraska Health Care Cash Fund, except that such amount
1 shall be reduced by the amount of the unobligated balance in the Nebraska
2 Health Care Cash Fund at the time the transfer is made. The state
3 investment officer shall advise the State Treasurer on the amounts to be
4 transferred first from the Nebraska Medicaid Intergovernmental Trust Fund
5 until the fund balance is depleted and from the Nebraska Tobacco
6 Settlement Trust Fund thereafter in order to sustain such transfers in
7 perpetuity. The state investment officer shall report electronically to
8 the Legislature on or before October 1 of every even-numbered year on the
9 sustainability of such transfers. The Nebraska Health Care Cash Fund
10 shall also include money received pursuant to section 77-2602. Except as
11 otherwise provided by law, no more than the amounts specified in this
12 subsection may be appropriated or transferred from the Nebraska Health
13 Care Cash Fund in any fiscal year.

14 The State Treasurer shall transfer ten million dollars from the
15 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on
16 June 28, 2018, and June 28, 2019.

17 It is the intent of the Legislature that no additional programs are
18 funded through the Nebraska Health Care Cash Fund until funding for all
19 programs with an appropriation from the fund during FY2012-13 are
20 restored to their FY2012-13 levels.

21 (2) Any money in the Nebraska Health Care Cash Fund available for
22 investment shall be invested by the state investment officer pursuant to
23 the Nebraska Capital Expansion Act and the Nebraska State Funds
24 Investment Act.

25 (3) The University of Nebraska and postsecondary educational
26 institutions having colleges of medicine in Nebraska and their affiliated
27 research hospitals in Nebraska, as a condition of receiving any funds
28 appropriated or transferred from the Nebraska Health Care Cash Fund,
29 shall not discriminate against any person on the basis of sexual
30 orientation.

31 (4) The State Treasurer shall transfer fifty thousand dollars on or
1 before July 15, 2016, from the Nebraska Health Care Cash Fund to the
2 Board of Regents of the University of Nebraska for the University of
3 Nebraska Medical Center. It is the intent of the Legislature that these
4 funds be used by the College of Public Health for workforce training.
5 Sec. 11. Section 83-1216, Revised Statutes Supplement, 2017, is
6 amended to read:

7 83-1216 (1) The department shall administer the medicaid home and
8 community-based services waivers upon application approval by the federal
9 Centers for Medicare and Medicaid Services. Beginning July 1, ~~2021~~ 2019,
10 persons determined to be eligible for specialized services who on or
11 after September 6, 1993, graduate from high school, reach the age of
12 twenty-one years, or are currently receiving services shall receive
13 services in accordance with the Developmental Disabilities Services Act.
14 The amount of funding for any person receiving services shall be
15 determined using an objective assessment process developed by the
16 department and approved by the federal Centers for Medicare and Medicaid

17 Services.

18 (2) The department shall provide directly or by contract service
19 coordination to Nebraska residents found to be eligible for specialized
20 services.

21 (3) It is the intent of the Legislature that the department take all
22 possible steps to maximize federal funding. All Nebraska residents
23 eligible for funding for specialized services through the department
24 shall apply for and accept any federal medicaid benefits for which they
25 may be eligible and benefits from other funding sources within the
26 department, the State Department of Education, specifically including the
27 Division of Rehabilitation Services, and other agencies to the maximum
28 extent possible.

29 (4) The priorities for funding the medicaid home and community-based
30 services waivers under this section are as follows:

31 (a) The first funding priority of the state shall be responding to
1 the needs of persons with developmental disabilities in immediate crisis
2 due to caregiver death, homelessness, or a threat to the life and safety
3 of the person;

4 (b) The second funding priority of the state in responding to the
5 needs of persons with developmental disabilities shall be for persons
6 that have resided in an institutional setting for a period of at least
7 twelve consecutive months and who are requesting community-based
8 services;

9 (c) The third funding priority of the state in responding to the
10 needs of persons with developmental disabilities shall be for serving
11 wards of the department or persons placed under the supervision of the
12 Office of Probation Administration by the Nebraska court system who are
13 transitioning upon age nineteen with no other alternatives as determined
14 by the department to support residential services necessary to pursue
15 economic self-sufficiency;

16 (d) The fourth funding priority of the state in responding to the
17 needs of persons with developmental disabilities shall be for serving
18 persons transitioning from the education system upon attaining twenty-one
19 years of age to maintain skills and receive the day services necessary to
20 pursue economic self-sufficiency; and

21 (e) The fifth funding priority of the state in responding to the
22 needs of persons with developmental disabilities shall be for serving all
23 other persons by date of application.

24 Sec. 12. There is hereby appropriated (1) \$636,415 from the
25 Nebraska Health Care Cash Fund for FY2018-19 and (2) \$478,207 from the
26 Nebraska Health Care Cash Fund for FY2019-20 to the Department of Health
27 and Human Services, for Program 33, to aid in carrying out the provisions
28 of Legislative Bill 793, One Hundred Fifth Legislature, Second Session,
29 2018.

30 Total expenditures for permanent and temporary salaries and per
31 diems from funds appropriated in this section shall not exceed \$161,272
1 for FY2018-19 or \$206,047 for FY2019-20.

2 Sec. 13. There is hereby appropriated (1) \$732,201 from the
3 Nebraska Health Care Cash Fund for FY2018-19 and (2) \$799,022 from the

4 Nebraska Health Care Cash Fund for FY2019-20 to the Department of Health
5 and Human Services, for Program 571, to aid in carrying out the
6 provisions of Legislative Bill 793, One Hundred Fifth Legislature, Second
7 Session, 2018.

8 No expenditures for permanent and temporary salaries and per diems
9 for state employees shall be made from funds appropriated in this
10 section.

11 Sec. 14. Original sections 68-1111, 68-1113, 68-1114, 68-1115,
12 68-1116, 68-1117, 68-1118, and 68-1119, Revised Statutes Cumulative
13 Supplement, 2016, and sections 71-7611 and 83-1216, Revised Statutes
14 Supplement, 2017, are repealed.

15 Sec. 15. Since an emergency exists, this act takes effect when
16 passed and approved according to law.

GENERAL FILE

LEGISLATIVE BILL 989. Title read. Considered.

Committee AM2612, found on page 1194, was offered.

Senator Larson offered his amendment, AM2787, found in this day's Journal, to the committee amendment.

Senator Friesen offered the following motion:

MO323

Bracket until April 18, 2018.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 476. Introduced by McCollister, 20; Thibodeau, 6.

WHEREAS, Deb Sondall Saetveit, school librarian at Westside Middle School in Omaha, is the recipient of the 2018 American Association of School Librarians' (AASL) Frances Henne Award; and

WHEREAS, the \$1,250 award recognizes a school librarian with five or fewer years of experience who demonstrates leadership qualities with students, teachers and administrators; and

WHEREAS, while teaching English at the secondary level, Deb Sondall Saetveit realized her love of education, literacy, collaboration and research made her well suited for the role of school librarian; and

WHEREAS, Deb Sondall Saetveit completed her master's degree in library and information science in 2016 and now serves as the librarian at the same middle school where she previously taught; and

WHEREAS, school librarians play vital and multifaceted roles in their schools: collaborating with other educators in curriculum development, promoting literacy and a love of reading, and integrating technology. The

Frances Henne Award recognizes Deb Sondall Saetveit's exemplary service as a school librarian.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Deb Sondall Saetveit for winning the 2018 American Association of School Librarians' Frances Henne Award.
2. That copies of this resolution be sent to Deb Sondall Saetveit and Westside Community Schools Superintendent Dr. Blane McCann.

Laid over.

VISITORS

The Doctor of the Day was Dr. Hans Dethlefs from La Vista.

ADJOURNMENT

At 9:30 p.m., on a motion by Senator Riepe, the Legislature adjourned until 9:00 a.m., Thursday, April 5, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY - APRIL 5, 2018
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION
FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 5, 2018

PRAYER

The prayer was offered by Pastor Nathan Metzger, American Lutheran Church, Adams.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Albrecht, Briese, Groene, Hansen, Hilgers, Howard, Kolterman, Linehan, McDonnell, Murante, Pansing Brooks, Thibodeau, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1358, line 39, strike "with amendment".
Page 1358, strike lines 40, 41, and 42.
The Journal for the fifty-third day was approved as corrected.

The Journal for the fifty-fourth day was approved.

GENERAL FILE

LEGISLATIVE BILL 807A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 6 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 989. Senator Friesen renewed his motion, MO323, found on page 1412, to bracket until April 18, 2018.

Senator Larson moved the previous question. The question is, "Shall the debate now close?" The motion failed with 23 ayes, 3 nays, and 23 not voting.

SPEAKER SCHEER PRESIDING

Senator Wishart moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

The Friesen motion to bracket failed with 4 ayes, 27 nays, 14 present and not voting, and 4 excused and not voting.

The Larson amendment, AM2787, found on page 1400 and considered on page 1412, to the committee amendment, was renewed.

Senator Larson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 30 ayes, 3 nays, and 16 not voting.

Senator Wishart requested a roll call vote, in reverse order, on the Larson amendment.

Voting in the affirmative, 32:

Albrecht	Groene	Linehan	Quick	Vargas
Baker	Hansen	Lowe	Riepe	Walz
Blood	Harr	McCollister	Scheer	Watermeier
Bolz	Hilkemann	McDonnell	Schumacher	Wishart
Chambers	Howard	Morfeld	Smith	
Crawford	Larson	Murante	Stinner	
Ebke	Lindstrom	Pansing Brooks	Thibodeau	

Voting in the negative, 1:

Krist

Present and not voting, 13:

Bostelman	Briese	Friesen	Hughes	Williams
Brasch	Clements	Geist	Kolowski	
Brewer	Erdman	Halloran	Kuehn	

Excused and not voting, 3:

Hilgers Kolterman Wayne

The Larson amendment was adopted with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

LEGISLATIVE RESOLUTION 1CA. Considered.

Senator Morfeld offered his motion, MO317, found on page 1398, to recommit to the Government, Military and Veterans Affairs Committee.

SENATOR WILLIAMS PRESIDING

Senator Murante offered the following motion:

MO326

Bracket until April 18, 2018.

Senator Murante withdrew his motion to bracket.

Senator Murante offered the following motion:

MO325

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Murante moved for a call of the house. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Senator Murante requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 24:

Albrecht	Clements	Halloran	Lowe	Stinner
Bostelman	Erdman	Hilkemann	Murante	Thibodeau
Brasch	Friesen	Hughes	Riepe	Watermeier
Brewer	Geist	Larson	Scheer	Williams
Briese	Groene	Linehan	Smith	

Voting in the negative, 18:

Blood	Hansen	Krist	Pansing Brooks	Wayne
Bolz	Harr	McCollister	Quick	Wishart
Chambers	Howard	McDonnell	Schumacher	
Crawford	Kolowski	Morfeld	Vargas	

Present and not voting, 4:

Baker	Ebke	Lindstrom	Walz
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Excused and not voting, 3:

Hilgers	Kolterman	Kuehn
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The Murante motion to invoke cloture failed with 24 ayes, 18 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 477.** Introduced by Stinner, 48.

WHEREAS, Jaron Anderson, Tony Espino, Tucker Fuentes, and David Karpf, members of Troop 17 of Gering, have completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout their scouting experience, these young men learned, were tested on, and have been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jaron, Tony, Tucker, and David, through their hard work and perseverance, have joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Jaron Anderson, Tony Espino, Tucker Fuentes, and David Karpf on achieving the rank of Eagle Scout.
2. That copies of this resolution be sent to Jaron Anderson, Tony Espino, Tucker Fuentes, and David Karpf.

Laid over.

LEGISLATIVE RESOLUTION 478. Introduced by McDonnell, 5.

WHEREAS, Holy Ghost Catholic Church in Omaha will be celebrating its 100th anniversary on May 20, 2018; and

WHEREAS, Holy Ghost Catholic Church was established as a mission of the Order of St. Augustine, with the first Mass being celebrated on March 17, 1918; and

WHEREAS, Holy Ghost Catholic Church officially joined the Archdiocese of Omaha on August 1, 1986; and

WHEREAS, Holy Ghost Catholic Church has been a center of activity in South Omaha since its beginning, operating a school from 1922 to 2013, a child care center from 1994 to 2014, serving the community through various philanthropic efforts, such as helping the poor through its St. Vincent de Paul Society, and hosting annual community events like Lenten fish fries, chicken dinners, Husker football nights, the Game On Event, Thanksgiving

turkey dinner, youth baseball and basketball tournaments, and the June Jamboree Festival; and

WHEREAS, Holy Ghost Catholic Church will commemorate its centennial on the Feast of Pentecost, Sunday, May 20, 2018, with a Mass celebrated by Archbishop George J. Lucas, along with current and former pastors and assistants, followed by a parish dinner. Other events connected to the centennial are a parish photo directory, stewardship event, a parish family night, and dedication of the Pastor Center.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Holy Ghost Catholic Church in Omaha on celebrating its 100th anniversary.
2. That a copy of this resolution be sent to Holy Ghost Catholic Church.

Laid over.

LEGISLATIVE RESOLUTION 479. Introduced by Halloran, 33.

WHEREAS, Tom Hastings, a proud Nebraskan and long-serving president of the Hastings Area Chamber of Commerce is retiring in May 2018; and

WHEREAS, Tom brought more than twenty years of experience in the banking industry in Clay Center to his position in the Chamber. Tom previously served as president of the Clay Center Community Club and oversaw a dramatic expansion of its membership; and

WHEREAS, Tom has worked diligently to promote economic growth in Hastings through the creation and support of a variety of activities and events hosted by the Chamber, including: Legislative luncheons, Coffee with the Senator, Whoopers & Hoopers, the annual meeting and awards banquet, Business After Hours, Retail Roundtables, and others; and

WHEREAS, by his very nature, no one is a stranger to Tom, and he has always made a point of bringing people and ideas together for the betterment of the economic, civic, and cultural life in Hastings; and

WHEREAS, Tom has been praised by members of the Hastings community for his experience and hard work in adding and retaining businesses and thereby improving local commerce and attracting membership to the Chamber; and

WHEREAS, Tom has promised, following sixteen years as president of the Chamber, to continue promoting the Hastings community in any way he can.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature expresses its appreciation to Tom Hastings for his devotion to the Hastings community and his dedication in serving the Hastings Area Chamber of Commerce as its president for sixteen years.
2. That a copy of this resolution be sent to Tom Hastings.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to LB994:
AM2799

(Amendments to E&R amendments, ER158)

- 1 1. On page 3, line 11, strike "commission" and insert "Public
- 2 Service Commission".

Senator Harr filed the following amendment to LB807:
AM2831

(Amendments to Standing Committee amendments, AM2392)

- 1 1. Insert the following new sections:
- 2 Sec. 4. The Willa Cather National Statuary Hall Cash Fund is
- 3 created. The fund shall be administered by the Nebraska State Historical
- 4 Society. The fund shall consist of privately donated funds pursuant to
- 5 subdivision (2)(b) of section 3 of this act. Any money in the fund
- 6 available for investment shall be invested by the state investment
- 7 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
- 8 State Funds Investment Act.
- 9 Sec. 7. The Chief Standing Bear National Statuary Hall Cash Fund is
- 10 created. The fund shall be administered by the Commission on Indian
- 11 Affairs. The fund shall consist of privately donated funds pursuant to
- 12 subdivision (2)(b) of section 6 of this act. Any money in the fund
- 13 available for investment shall be invested by the state investment
- 14 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
- 15 State Funds Investment Act.
- 16 Sec. 8. Since an emergency exists, this act takes effect when passed
- 17 and approved according to law.
- 18 2. On page 1, line 19, strike "Oh" and insert "O".
- 19 3. On page 3, after line 10 insert the following new subsection:
- 20 "(4) The committee shall execute the requirements of this section no
- 21 later than June 30, 2023.".
- 22 4. On page 4, line 4, strike "shall" and insert "may"; and after
- 23 line 21 insert the following new subsection:
- 24 "(4) The committee shall execute the requirements of this section no
- 25 later than June 30, 2023.".
- 26 5. Renumber the remaining sections and correct internal references
- 1 accordingly.

Senator Linehan filed the following amendment to LB1081:
AM2823

- 1 1. Strike the Linehan amendment, AM2593, and all amendments thereto,
- 2 and insert the following new sections:
- 3 Sec. 20. Sections 20 to 26 of this act shall be known and may be
- 4 cited as the Nebraska Reading Improvement Act.
- 5 Sec. 21. It is the intent of the Legislature that:
- 6 (1) School boards develop policies to facilitate reading instruction
- 7 and intervention services to address student reading needs, including,
- 8 but not limited to, dyslexia;

9 (2) All teachers for kindergarten through grade three should be
10 effective reading teachers as evidenced by (a) evaluations based on
11 classroom observations and student improvement on reading assessments or
12 (b) specialized training in reading improvement;
13 (3) Each student and his or her parents or guardians be informed of
14 the student's reading progress; and
15 (4) Each student in a public school be able to read at or above
16 grade level by third grade.
17 Sec. 22. (1) For school year 2019-20 and each school year
18 thereafter, each school district shall administer an approved reading
19 assessment three times during the school year to all students in
20 kindergarten through grade three, except for any student receiving
21 specialized instruction for limited English proficiency who has been
22 receiving such instruction for less than two years, any student receiving
23 special education services for whom such assessment would conflict with
24 the individualized education plan, and any student receiving services
25 under a plan pursuant to the requirements of section 504 of the federal
26 Rehabilitation Act of 1973, 29 U.S.C. 794, or Title II of the federal
27 Americans with Disabilities Act of 1990, 42 U.S.C. 12131 to 12165, as
1 such acts and sections existed on January 1, 2018, for whom such
2 assessment would conflict with such section 504 or Title II plan. The
3 first administration of such assessment for each such school year shall
4 occur within the first thirty days of the school year.
5 (2) For purposes of the Nebraska Reading Improvement Act, an
6 approved reading assessment means an assessment of student reading skills
7 approved by the State Department of Education which:
8 (a) Measures progress toward proficiency in the reading skills
9 assessed pursuant to subsection (5) of section 79-760.03 on the statewide
10 assessment of reading for grade three;
11 (b) Is valid and reliable;
12 (c) Is aligned with academic content standards for reading adopted
13 by either the State Board of Education pursuant to section 79-760.01 or
14 the school district administering such assessment pursuant to section
15 79-760.02;
16 (d) Allows teachers access to results in a reasonable time period as
17 established by the department, not to exceed fifteen working days; and
18 (e) Is commercially available and complies with requirements
19 established by the department.
20 (3) On or before March 1, 2019, and on or before each March 1
21 thereafter, the department shall make public the list of approved reading
22 assessments for the subsequent school year and the threshold level of
23 performance for each such assessment. A student performing below the
24 threshold level shall be identified as having a reading deficiency for
25 purposes of the Nebraska Reading Improvement Act.
26 (4) Diagnostic assessments used within a supplemental reading
27 intervention program do not require department approval.
28 Sec. 23. (1) Any student in kindergarten, grade one, grade two, or
29 grade three shall be identified as having a reading deficiency if such
30 student performs below the threshold level determined pursuant to section

31 22 of this act on an approved reading assessment. A student who is
1 identified as having a reading deficiency pursuant to this subsection
2 shall remain identified as having a reading deficiency until the student
3 performs at or above the threshold level on an approved reading
4 assessment.

5 (2) Nothing in the Nebraska Reading Improvement Act shall prohibit a
6 school district from identifying any other student as having a reading
7 deficiency.

8 Sec. 24. (1) Each school district shall provide a supplemental
9 reading intervention program for the purpose of ensuring that students
10 can read at or above grade level at the end of third grade. School
11 districts may work collaboratively with a reading specialist at the State
12 Department of Education, with educational service units, with learning
13 communities, or through interlocal agreements to develop and provide such
14 supplemental reading intervention programs. Each supplemental reading
15 intervention program shall:

16 (a) Be provided to any student identified as having a reading
17 deficiency;

18 (b) Be implemented during regular school hours in addition to
19 regularly scheduled reading instruction unless otherwise agreed to by a
20 parent or guardian; and

21 (c) Make available a summer reading program each summer for any
22 student who has been enrolled in grade one or higher and is identified as
23 continuing to have a reading deficiency at the conclusion of the school
24 year preceding such summer reading program. Such summer reading program
25 may be held in conjunction with existing summer programs in the school
26 district or in a community reading program not affiliated with the school
27 district or may be offered online.

28 (2) The supplemental reading intervention program may also include:

29 (a) Reading intervention techniques that are based on scientific
30 research and best practices;

31 (b) Diagnostic assessments to frequently monitor student progress
1 throughout the school year and adjust instruction accordingly;

2 (c) Intensive intervention using strategies selected from the
3 following list to match the weaknesses identified in the diagnostic
4 assessment:

5 (i) Development in phonemic awareness, phonics, fluency, vocabulary,
6 and reading comprehension;

7 (ii) Explicit and systematic instruction with detailed explanations,
8 extensive opportunities for guided practice, and opportunities for error
9 corrections and feedback; or

10 (iii) Daily targeted individual or small-group reading intervention
11 based on student needs as determined by diagnostic assessment data
12 subject to planned extracurricular school activities;

13 (d) Strategies and resources to assist with reading skills at home,
14 including parent-training workshops and suggestions for parent-guided
15 home reading; or

16 (e) Access to before-school or after-school supplemental reading
17 intervention with a teacher or tutor who has specialized training in

18 reading intervention.

19 Sec. 25. (1) The school of any student who is identified as having
 20 a reading deficiency shall notify such student's parents or guardians
 21 either in writing or by electronic communication no later than fifteen
 22 working days after the identification of the reading deficiency that the
 23 student has been identified as having a reading deficiency and that an
 24 individual reading improvement plan will be established and shared with
 25 the parents or guardians.

26 (2) Any student who is identified as having a reading deficiency
 27 shall receive an individual reading improvement plan no later than thirty
 28 days after the identification of such reading deficiency. The reading
 29 improvement plan may be created by the teacher, the principal, other
 30 pertinent school personnel, and the parents or guardians of the student
 31 and shall describe the reading intervention services the student will
 1 receive through the supplemental reading intervention program pursuant to
 2 section 24 of this act to remedy such reading deficiency. Each such
 3 student shall receive reading intervention services through the
 4 supplemental reading intervention program pursuant to section 24 of this
 5 act until the student is no longer identified as having a reading
 6 deficiency.

7 Sec. 26. (1) The State Department of Education may provide
 8 technical assistance as needed to assist school boards in carrying out
 9 the Nebraska Reading Improvement Act.

10 (2) The department may adopt and promulgate rules and regulations to
 11 carry out the act.

12 2. Renumber the remaining sections accordingly.

MOTION(S) - Print in Journal

Senator Friesen filed the following motion to LB989:
 MO324

Recommit to the Transportation and Telecommunications Committee.

AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to LB989:
 AM2828

(Amendments to Standing Committee amendments, AM2612)

1 1. On page 1, strike lines 11 through 21 and insert the following
 2 new subdivision:
 3 "(1) Automated driving system means the hardware and software that
 4 are collectively capable of performing the entire dynamic driving task on
 5 a sustained basis regardless of whether it is limited to a specific
 6 operational design domain. This term applies to levels 3, 4, and 5
 7 automation but does not apply to levels 0, 1, and 2 automation or level 3
 8 automation if the motor vehicle has been certified as having met Federal
 9 Motor Vehicle Safety Standards, Title 49 of the Code of Federal
 10 Regulations, as such title existed on January 1, 2018. This term does not
 11 include the following, individually: (a) Adaptive cruise control systems;

12 (b) blind-spot detection systems; (c) camera systems; (d) collision
13 avoidance or detection systems; (e) emergency braking systems; (f) lane-
14 departure assistance or warning systems; (g) lane-keeping assistance
15 systems; (h) parking assistance systems; or (i) queuing assistance
16 systems;".

Senator Erdman filed the following amendment to LB731:
AM2830

(Amendments to Standing Committee amendments, AM2432)

1 1. Insert the following new section:
2 Sec. 67. Section 38-1707, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 38-1707 Massage therapy establishment means any duly licensed place
5 or vehicle in which a massage therapist practices his or her profession
6 of massage therapy.
7 2. Renumber the remaining sections and correct internal references
8 accordingly.
9 3. Correct the operative date and repealer sections so that the
10 section added by this amendment becomes operative three calendar months
11 after the adjournment of this legislative session.

Senator Harr filed the following amendment to LB807A:
AM2834

1 1. Strike the original section and insert the following new
2 sections:
3 Section 1. There is hereby appropriated (1) \$500,000 from the Willa
4 Cather National Statuary Hall Cash Fund for FY2018-19 and (2) \$500,000
5 from the Willa Cather National Statuary Hall Cash Fund for FY2019-20 to
6 the Nebraska State Historical Society, for Program 648, to aid in
7 carrying out the provisions of Legislative Bill 807, One Hundred Fifth
8 Legislature, Second Session, 2018.
9 No expenditures for permanent and temporary salaries and per diems
10 for state employees shall be made from funds appropriated in this
11 section.
12 Sec. 2. There is hereby appropriated (1) \$500,000 from the Chief
13 Standing Bear National Statuary Hall Cash Fund for FY2018-19 and (2)
14 \$500,000 from the Chief Standing Bear National Statuary Hall Cash Fund
15 for FY2019-20 to the Commission on Indian Affairs, for Program 584, to
16 aid in carrying out the provisions of Legislative Bill 807, One Hundred
17 Fifth Legislature, Second Session, 2018.
18 No expenditures for permanent and temporary salaries and per diems
19 for state employees shall be made from funds appropriated in this
20 section.
21 Sec. 3. Since an emergency exists, this act takes effect when passed
22 and approved according to law.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator Thibodeau name added to LB855.

VISITORS

Visitors to the Chamber were 20 high school students and teachers from Lincoln High and Lincoln Northeast; 12 seventh-grade students from St. Michael's School, Albion; Marcia and Jeff Shea from Memphis, TN; 17 fourth-grade students from Faith Lutheran School, Lincoln; UNL students, Lauryn Wengert and Kelsey Linzell; 25 sixth- through eighth-grade students and teachers from Park Middle School, Lincoln; 10 sixth- through eighth-grade students and teachers from Culler Middle School, Lincoln; 22 fourth-grade students from Cross County Community Schools, Stromsburg; and Nila Chapplelear from Arlington.

RECESS

At 12:01 p.m., on a motion by Senator Walz, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Hughes presiding.

ROLL CALL

The roll was called and all members were present except Senators Bolz, Bostelman, Friesen, Groene, Harr, Hilgers, Hilkemann, Kuehn, Pansing Brooks, Vargas, Watermeier, Wayne, and Williams who were excused until they arrive.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 670. Placed on Select File with amendment.
ER173 is available in the Bill Room.

LEGISLATIVE BILL 1120. Placed on Select File with amendment.
ER172 is available in the Bill Room.

LEGISLATIVE BILL 873. Placed on Select File with amendment.
ER170

- 1 1. In the Standing Committee amendments, AM2065:
- 2 a. On page 103, line 13, strike "National", show as stricken, and
- 3 insert "national";

4 b. On page 128, line 8, strike "governing body", show as stricken, 5 and insert "city council or village board of trustees";

6 c. On page 140, line 26, strike "municipality" and insert "city of the first class, city of the second class, or village"; and in line 27 8 strike "municipality" and insert "city or village";

9 d. On page 144, line 24, strike "form" and insert "plan";

10 e. On page 158, line 26, reinstate the stricken comma; and

11 f. On page 189, line 25, strike "are" and insert "is".

12 2. On page 1, strike beginning with "cities" in line 1 through line 13 22 and insert "government; to amend sections 8-205, 13-1302, 14-403.01, 14 15-1102, 16-115, 16-118, 16-316, 16-321.01, 16-610, 16-611, 16-614, 15 16-629, 16-645, 16-648, 16-663, 16-671.01, 16-674, 16-675, 16-808, 16 18-1720, 19-201, 19-402, 19-403, 19-404, 19-405, 19-409, 19-411, 19-412, 17 19-413, 19-416, 19-417, 19-419, 19-421, 19-422, 19-423, 19-432, 19-433, 18 19-502, 19-503, 19-601, 19-603, 19-604, 19-605, 19-606, 19-607, 19-608, 19 19-609, 19-610, 19-611, 19-612, 19-613, 19-613.01, 19-615, 19-616, 20 19-617, 19-618, 19-619, 19-620, 19-645, 19-646, 19-647, 19-648, 19-662, 21 19-701, 19-702, 19-703, 19-704, 19-705, 19-706, 19-707, 19-708, 19-709, 22 19-710, 19-901, 19-902, 19-903, 19-904, 19-904.01, 19-905, 19-907, 23 19-908, 19-909, 19-910, 19-911, 19-912, 19-912.01, 19-913, 19-914, 24 19-915, 19-916, 19-917, 19-918, 19-919, 19-920, 19-921, 19-923, 19-925, 25 19-927, 19-928, 19-929, 19-930, 19-931, 19-932, 19-1103, 19-1104, 26 19-1301, 19-1302, 19-1303, 19-1304, 19-1305, 19-1306, 19-1307, 19-1308, 27 19-1309, 19-1310, 19-1311, 19-1312, 19-1401, 19-1402, 19-1403, 19-1404, 1 19-1501, 19-1502, 19-1826, 19-1829, 19-1830, 19-1833, 19-1834, 19-1836, 2 19-1839, 19-1846, 19-2101, 19-2102, 19-2103, 19-2104, 19-2105, 19-2106, 3 19-2201, 19-2202, 19-2203, 19-2302, 19-2303, 19-2304, 19-2401, 19-2403, 4 19-2405, 19-2406, 19-2410, 19-2411, 19-2412, 19-2413, 19-2414, 19-2416, 5 19-2417, 19-2419, 19-2420, 19-2421, 19-2422, 19-2423, 19-2424, 19-2425, 6 19-2426, 19-2428, 19-2429, 19-2430, 19-2432, 19-2701, 19-2901, 19-2902, 7 19-2904, 19-2905, 19-2907, 19-2908, 19-2909, 19-3052, 19-3101, 19-3302, 8 19-3303, 19-3304, 19-3305, 19-3306, 19-3307, 19-3308, 19-3309, 19-3310, 9 19-3311, 19-3312, 19-3313, 19-3314, 19-3315, 19-3315.01, 19-3316, 10 19-3317, 19-3318, 19-3319, 19-3320, 19-3321, 19-3322, 19-3323, 19-3324, 11 19-3325, 19-3326, 19-3327, 19-3701, 19-3801, 19-4019, 19-4022, 19-4032, 12 19-4035, 19-4036, 19-4629, 19-4630, 19-4632, 19-4633, 19-4634, 19-4636, 13 19-4638, 19-4701, 19-5001, 23-206, 23-339, 31-505, and 90-106, Reissue 14 Revised Statutes of Nebraska, sections 16-119, 16-238, 16-304, 16-305, 15 16-308, 16-309, 16-312, 16-313, 16-314, 16-317, 16-318, 16-319, 16-320, 16 16-321, 16-322, 16-323, 16-324, 16-326, 16-327, 16-401, 16-402, 16-403, 17 16-404, 16-405, 16-406, 16-501, 16-502, 16-503, 16-606, 16-609, 16-615, 18 16-618, 16-621, 16-624, 16-626, 16-627, 16-630, 16-631, 16-632, 16-637, 19 16-646, 16-647, 16-649, 16-650, 16-651, 16-652, 16-653, 16-654, 16-661, 20 16-662, 16-664, 16-665, 16-672, 16-672.07, 16-679, 16-680, 16-691, 21 16-691.01, 16-692, 16-693, 16-697, 16-699, 16-6,100, 16-702, 16-706, 22 16-707, 16-712, 16-713, 16-714, 16-716, 16-717, 16-718, 16-719, 16-720, 23 16-722, 16-723, 16-727, 16-728, 18-2705, 19-922, 19-2402, 19-2404, 24 19-2407, 19-2418, 19-2427, 19-4017, 19-4017.01, 19-4018, 19-4021, 25 19-4026, 19-4027, 19-4028, 19-4029, 19-4029.01, 19-4029.04, 19-4029.05,

26 19-4033, 19-4034, 19-4037, 19-5203, 19-5205, and 19-5207, Revised
27 Statutes Cumulative Supplement, 2016, and sections 13-2705, 17-108.02,
28 17-121, 18-2709, 19-401, 19-415, 19-418, 19-602, 19-926, 19-1101,
29 19-1102, 19-1827, 19-3501, 19-4030, 19-4031, 32-538, 32-539, and 77-2701,
30 Revised Statutes Supplement, 2017; to change provisions relating to
31 cities of particular classes and villages; to correct and include city
1 and village references as prescribed; to eliminate obsolete provisions;
2 to repeal definitions; to provide for interlocal agreements between
3 cities and villages and counties as prescribed for the abatement,
4 removal, or prevention of nuisances; to change provisions relating to how
5 population thresholds for municipalities are determined as prescribed; to
6 redefine terms; to change references to cities, villages, and governing
7 bodies; to redefine economic development program to include early
8 childhood infrastructure development for cities of the first and second
9 class and villages under the Local Option Municipal Economic Development
10 Act; to expand the number of municipalities that may elect to create a
11 land bank, change provisions relating to land bank board requirements,
12 and change land bank powers under the Nebraska Municipal Land Bank Act;
13 to change provisions relating to comprehensive plans for cities to
14 provide for an early childhood element as prescribed; to authorize short-
15 term rentals and an online hosting platform, sales tax collection
16 procedures, Tax Commissioner duties, and a report relating to such
17 rentals; to provide powers and duties for municipalities with respect to
18 short-term rentals; to eliminate a requirement relating to use of the
19 official state slogan and symbol on state letterhead and envelopes as
20 prescribed; to harmonize provisions; to provide a duty for the Revisor of
21 Statutes; to repeal the original sections; and to outright repeal
22 sections 19-101, 19-104, 19-407, and 19-924, Reissue Revised Statutes of
23 Nebraska, and sections 19-102 and 19-103, Revised Statutes Supplement,
24 2017.".

25 3. On page 2 strike lines 1 through 20.

(Signed) Anna Wishart, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1065. Title read. Considered.

Committee AM1890, found on page 1167, was offered.

Senator Chambers offered the following motion:

MO327

Bracket until April 18, 2018.

SPEAKER SCHEER PRESIDING

SENATOR LINDSTROM PRESIDING

Pending.

AMENDMENT(S) - Print in Journal

Senator Thibodeau filed the following amendment to LB1120:
AM2835 is available in the Bill Room.

Senator Williams filed the following amendment to LB496:
AM2816

(Amendments to AM1378)

- 1 1. Strike amendments 3 and 4 and insert the following new
- 2 amendments:
- 3 3. On page 5, strike beginning with "cities" in line 12 through
- 4 "villages" in line 13 and insert "a rural community".
- 5 4. On page 7, line 18, strike "and"; and strike lines 19 through 29
- 6 and insert the following new subdivisions:
- 7 "(30) Rural community means any municipality in a county with a
- 8 population of fewer than one hundred thousand inhabitants as determined
- 9 by the most recent federal decennial census; and
- 10 (31) Workforce housing means:
- 11 (a) Housing that meets the needs of today's working families;
- 12 (b) Housing that is attractive to new residents considering
- 13 relocation to a rural community;
- 14 (c) Owner-occupied housing units that cost not more than two hundred
- 15 seventy-five thousand dollars to construct or rental housing units that
- 16 cost not more than two hundred thousand dollars per unit to construct.
- 17 For purposes of this subdivision (c), housing unit costs shall be updated
- 18 annually by the Department of Economic Development based upon the most
- 19 recent increase or decrease in the Producer Price Index for all
- 20 commodities, published by the United States Department of Labor, Bureau
- 21 of Labor Statistics;
- 22 (d) Owner-occupied and rental housing units for which the cost to
- 23 substantially rehabilitate exceeds fifty percent of a unit's assessed
- 24 value; and
- 25 (e) Upper-story housing."
- 26 5. Renumber the remaining sections and correct the repealer
- 1 accordingly.

Senator Wayne filed the following amendment to LB873:
AM2827

(Amendments to Standing Committee amendments, AM2065)

- 1 1. Insert the following new sections:
- 2 Sec. 343. Section 77-2602, Revised Statutes Cumulative Supplement,
- 3 2016, is amended to read:
- 4 77-2602 (1) Every stamping agent engaged in distributing or selling
- 5 cigarettes at wholesale in this state shall pay to the Tax Commissioner
- 6 of this state a special privilege tax. This shall be in addition to all
- 7 other taxes. It shall be paid prior to or at the time of the sale, gift,
- 8 or delivery to the retail dealer in the several amounts as follows: On
- 9 each package of cigarettes containing not more than twenty cigarettes,
- 10 sixty-four cents per package; and on packages containing more than twenty

11 cigarettes, the same tax as provided on packages containing not more than
12 twenty cigarettes for the first twenty cigarettes in each package and a
13 tax of one-twentieth of the tax on the first twenty cigarettes on each
14 cigarette in excess of twenty cigarettes in each package.

15 (2) Beginning October 1, 2004, the State Treasurer shall place the
16 equivalent of forty-nine cents of such tax in the General Fund. The State
17 Treasurer shall reduce the amount placed in the General Fund under this
18 subsection by the amount prescribed in subdivision (3)(d) of this
19 section. For purposes of this section, the equivalent of a specified
20 number of cents of the tax shall mean that portion of the proceeds of the
21 tax equal to the specified number divided by the tax rate per package of
22 cigarettes containing not more than twenty cigarettes.

23 (3) The State Treasurer shall distribute the remaining proceeds of
24 such tax in the following order:

25 (a) First, beginning July 1, 1980, the State Treasurer shall place
26 the equivalent of one cent of such tax in the Nebraska Outdoor Recreation
1 Development Cash Fund. For fiscal year distributions occurring after
2 FY1998-99, the distribution under this subdivision shall not be less than
3 the amount distributed under this subdivision for FY1997-98. Any money
4 needed to increase the amount distributed under this subdivision to the
5 FY1997-98 amount shall reduce the distribution to the General Fund;

6 (b) Second, beginning July 1, 1993, the State Treasurer shall place
7 the equivalent of three cents of such tax in the Health and Human
8 Services Cash Fund to carry out sections 81-637 to 81-640. For fiscal
9 year distributions occurring after FY1998-99, the distribution under this
10 subdivision shall not be less than the amount distributed under this
11 subdivision for FY1997-98. Any money needed to increase the amount
12 distributed under this subdivision to the FY1997-98 amount shall reduce
13 the distribution to the General Fund;

14 (c) Third, beginning October 1, 2002, and continuing until all the
15 purposes of the Deferred Building Renewal Act have been fulfilled, the
16 State Treasurer shall place the equivalent of seven cents of such tax in
17 the Building Renewal Allocation Fund. The distribution under this
18 subdivision shall not be less than the amount distributed under this
19 subdivision for FY1997-98. Any money needed to increase the amount
20 distributed under this subdivision to the FY1997-98 amount shall reduce
21 the distribution to the General Fund;

22 (d) Fourth, until July 1, 2009, the State Treasurer shall place in
23 the Municipal Infrastructure Redevelopment Fund the sum of five hundred
24 twenty thousand dollars each fiscal year to carry out the Municipal
25 Infrastructure Redevelopment Fund Act. The Legislature shall appropriate
26 the sum of five hundred twenty thousand dollars each year for fiscal year
27 2003-04 through fiscal year 2008-09;

28 (e) Fifth, beginning July 1, 2001, and continuing until June 30,
29 2008, the State Treasurer shall place the equivalent of two cents of such
30 tax in the Information Technology Infrastructure Fund. The distribution
31 under this subdivision shall not be less than two million fifty thousand
1 dollars. Any money needed to increase the amount distributed under this
2 subdivision to two million fifty thousand dollars shall reduce the

3 distribution to the General Fund;

4 ~~(f) Sixth, beginning July 1, 2001, and continuing until June 30,~~
5 ~~2016, the State Treasurer shall place one million dollars each fiscal~~
6 ~~year in the City of the Primary Class Development Fund. If necessary, the~~
7 ~~State Treasurer shall reduce the distribution of tax proceeds to the~~
8 ~~General Fund pursuant to subsection (2) of this section by such amount~~
9 ~~required to fulfill the one million dollars to be distributed pursuant to~~
10 ~~this subdivision;~~

11 ~~(g) Seventh, beginning July 1, 2001, and continuing until June 30,~~
12 ~~2016, the State Treasurer shall place one million five hundred thousand~~
13 ~~dollars each fiscal year in the City of the Metropolitan Class~~
14 ~~Development Fund. If necessary, the State Treasurer shall reduce the~~
15 ~~distribution of tax proceeds to the General Fund pursuant to subsection~~
16 ~~(2) of this section by such amount required to fulfill the one million~~
17 ~~five hundred thousand dollars to be distributed pursuant to this~~
18 ~~subdivision;~~

19 ~~(f) Sixth (h) Eighth, beginning July 1, 2008, and continuing until~~
20 ~~June 30, 2009, the State Treasurer shall place the equivalent of two~~
21 ~~million fifty thousand dollars of such tax in the Nebraska Public Safety~~
22 ~~Communication System Cash Fund. Beginning July 1, 2009, and continuing~~
23 ~~until June 30, 2016, the State Treasurer shall place the equivalent of~~
24 ~~two million five hundred seventy thousand dollars of such tax in the~~
25 ~~Nebraska Public Safety Communication System Cash Fund. Beginning July 1,~~
26 ~~2016, and every fiscal year thereafter, the State Treasurer shall place~~
27 ~~the equivalent of three million eight hundred twenty thousand dollars of~~
28 ~~such tax in the Nebraska Public Safety Communication System Cash Fund. If~~
29 ~~necessary, the State Treasurer shall reduce the distribution of tax~~
30 ~~proceeds to the General Fund pursuant to subsection (2) of this section~~
31 ~~by such amount required to fulfill the distribution pursuant to this~~
1 ~~subdivision; and~~

2 ~~(g) Seventh (i) Ninth, beginning July 1, 2016, and every fiscal year~~
3 ~~thereafter, the State Treasurer shall place the equivalent of one million~~
4 ~~two hundred fifty thousand dollars of such tax in the Nebraska Health~~
5 ~~Care Cash Fund. If necessary, the State Treasurer shall reduce the~~
6 ~~distribution of tax proceeds to the General Fund pursuant to subsection~~
7 ~~(2) of this section by such amount required to fulfill the distribution~~
8 ~~pursuant to this subdivision.~~

9 (4) If, after distributing the proceeds of such tax pursuant to
10 subsections (2) and (3) of this section, any proceeds of such tax remain,
11 the State Treasurer shall place such remainder in the Nebraska Capital
12 Construction Fund.

13 (5) The Legislature hereby finds and determines that the projects
14 funded from the Municipal Infrastructure Redevelopment Fund and the
15 Building Renewal Allocation Fund are of critical importance to the State
16 of Nebraska. It is the intent of the Legislature that the allocations and
17 appropriations made by the Legislature to such funds or, in the case of
18 allocations for the Municipal Infrastructure Redevelopment Fund, to the
19 particular municipality's account not be reduced until all contracts and
20 securities relating to the construction and financing of the projects or

21 portions of the projects funded from such funds or accounts of such funds
 22 are completed or paid or, in the case of the Municipal Infrastructure
 23 Redevelopment Fund, the earlier of such date or July 1, 2009, and that
 24 until such time any reductions in the cigarette tax rate made by the
 25 Legislature shall be simultaneously accompanied by equivalent reductions
 26 in the amount dedicated to the General Fund from cigarette tax revenue.
 27 Any provision made by the Legislature for distribution of the proceeds of
 28 the cigarette tax for projects or programs other than those to (a) the
 29 General Fund, (b) the Nebraska Outdoor Recreation Development Cash Fund,
 30 (c) the Health and Human Services Cash Fund, (d) the Municipal
 31 Infrastructure Redevelopment Fund, (e) the Building Renewal Allocation
 1 Fund, (f) the Information Technology Infrastructure Fund, (g) ~~the City of~~
 2 ~~the Primary Class Development Fund, (h) the City of the Metropolitan~~
 3 ~~Class Development Fund, (i) the Nebraska Public Safety Communication~~
 4 System Cash Fund, and ~~(h) (i)~~ the Nebraska Health Care Cash Fund shall
 5 not be made a higher priority than or an equal priority to any of the
 6 programs or projects specified in subdivisions (a) through ~~(h) (i)~~ of
 7 this subsection.

8 Sec. 345 Section 77-2701.04, Revised Statutes Cumulative Supplement,
 9 2016, is amended to read:

10 77-2701.04 For purposes of sections 77-2701.04 to 77-2713 and
 11 section 346 of this act, unless the context otherwise requires, the
 12 definitions found in sections 77-2701.05 to 77-2701.55 shall be used.
 13 2. On page 132, line 23, after "If" insert "there is" and strike
 14 "is" and show as stricken; and in lines 24 and 25 strike "published" and
 15 show as stricken.
 16 3. On page 146, line 21, strike the new matter and reinstate the
 17 stricken matter.
 18 4. On page 147, line 3, strike the new matter and reinstate the
 19 stricken matter.
 20 5. On page 247, line 31, after the last comma insert "sections
 21 90-552 and 90-553, Revised Statutes Cumulative Supplement, 2016,".
 22 6. Renumber the remaining sections, correct internal references, and
 23 correct the repealer accordingly.

Senator Ebke filed the following amendment to LB670:
 AM2822

(Amendments to E & R amendments, ER173)

1 1. Strike sections 1 and 14 and insert the following new section:
 2 Sec. 13. Sections 1, 2, 3, 4, 5, 10, 11, 12, and 15 of this act
 3 become operative three calendar months after the adjournment of this
 4 legislative session. The other sections of this act become operative on
 5 their effective date.
 6 2. On page 30, strike beginning with "sections" in line 29 through
 7 "and" in line 30 and insert "section".
 8 3. Renumber the remaining sections accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 480. Introduced by Walz, 15; Wayne, 13.

WHEREAS, the University of Notre Dame women's basketball team won the 2018 NCAA Division I Women's Basketball Tournament; and

WHEREAS, Jessica (Jess) Shepard, a graduate of Fremont High School, was the highest scoring player for the Notre Dame Fighting Irish in the championship game with 19 points; and

WHEREAS, the points scored by Jess were critical in the 61-58 victory over the 2017 national runner-up, Mississippi State; and

WHEREAS, to get to the championship game, Notre Dame won their semi-final game against the previously undefeated University of Connecticut (UConn) Huskies with a score of 91 to 89 in double overtime; and

WHEREAS, despite an ankle sprain in the second half, Jess finished the game against UConn with 15 points and 11 rebounds; and

WHEREAS, the Legislature recognizes the accomplishments of current and former Nebraskans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Jessica Shepard and the Notre Dame women's basketball team for winning the 2018 NCAA Division I Women's Basketball Tournament.

2. That a copy of this resolution be sent to Jessica Shepard.

Laid over.

LEGISLATIVE RESOLUTION 481. Introduced by Kolterman, 24.

WHEREAS, herpes zoster (shingles) is a disease caused by the same virus (zoster) that causes chickenpox, and, therefore, any individual who has contracted chickenpox is at risk for shingles, corresponding to approximately ninety-eight percent of adults in the United States; and

WHEREAS, nearly one in three people in the United States will contract shingles in their lifetime, corresponding to an estimated one million people annually; and

WHEREAS, risk of shingles increases with age, with nearly half of those affected over sixty years of age and half of those living until eighty-five years of age developing shingles; and

WHEREAS, shingles is a viral infection that causes a painful rash that can be severe, along with other symptoms, including long-term nerve pain, fever, headache, chills, upset stomach, muscle weakness, skin infection, scarring, and a decrease or loss of vision or hearing; and

WHEREAS, as many as twenty percent of adults who have contracted shingles will develop postherpetic neuralgia, a debilitating complication of shingles that causes severe pain that may interfere with sleep and recreational activities and is associated with clinical depression; and

WHEREAS, vaccines have reduced the burden of widespread and often fatal diseases, enabling individuals to lead longer and healthier lives while reducing health care costs; and

WHEREAS, much attention has been paid to the importance of childhood vaccinations, but there is a general lack of awareness of vaccines recommended for adults and a misperception that immunizations are unnecessary for healthy adults; and

WHEREAS, the United States Centers for Disease Control and Prevention (CDC) and the Advisory Committee on Immunization Practices (ACIP) recommend that healthy adults fifty years of age and older be vaccinated against shingles to prevent shingles and shingles-related complications; and

WHEREAS, despite the recommendations of CDC officials and other experts that healthy adults be vaccinated against shingles, as of 2015, only thirty percent of eligible adults had received the shingles vaccine; and

WHEREAS, the annual economic burden for shingles in American adults is estimated to be between \$782 million and \$5 billion; and

WHEREAS, the Institute of Medicine has stated that one of the six causes of excess costs in the U.S. healthcare system is missed prevention opportunities; and

WHEREAS, millions of American adults go without routine and recommended vaccinations because our medical system is not set up to ensure that adults receive regular preventive healthcare; and

WHEREAS, as the month of August is observed as National Immunization Awareness Month, adults in Nebraska should be encouraged to speak with their healthcare providers to ensure that they have been properly vaccinated against shingles according to current CDC and ACIP recommendations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That April is designated as Shingles Awareness and Improvement Month in Nebraska, in order to increase public awareness of the importance of adults receiving vaccines against shingles, to promote outreach and education efforts concerning adult vaccination, and to encourage health care practitioners to discuss vaccines for shingles with adult patients.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1065. The Chambers motion, MO327, found in this day's Journal, to bracket until April 18, 2018, was renewed.

Senator Chambers withdrew his motion to bracket.

Senator Murante offered the following amendment to the committee amendment:

AM2842

(Amendments to Standing Committee amendments, AM1890)

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 32-101, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 32-101 Sections 32-101 to 32-1551 and section 2 of this act shall be
6 known and may be cited as the Election Act.
7 Sec. 2. Beginning July 1, 2019, the electronic poll books for a
8 precinct shall contain the list of registered voters and the sign-in
9 register for the precinct combined in one data base and shall include the
10 registration information and the digital signatures for the registered
11 voters of the precinct.
12 Sec. 3. Section 32-301, Revised Statutes Supplement, 2017, is
13 amended to read:
14 32-301 (1) The Secretary of State shall implement, in a uniform and
15 nondiscriminatory manner, a single, uniform, official, centralized,
16 interactive computerized statewide voter registration list defined,
17 maintained, and administered at the office of the Secretary of State that
18 contains the name and registration information of every legally
19 registered voter in the state and assigns a unique identifier to each
20 legally registered voter in the state. The computerized list shall serve
21 as the single system for storing and managing the official list of
22 registered voters throughout the state and shall comprise the voter
23 registration register. The computerized list shall be coordinated with
24 other agency data bases within the state and shall be available for
25 electronic access by election commissioners and county clerks. The
26 computerized list shall serve as the official voter registration list for
1 the conduct of all elections under the Election Act and beginning July 1,
2 2019, shall be the basis for electronic poll books at each precinct if
3 applicable. The Secretary of State shall provide such support as may be
4 required so that election commissioners and county clerks are able to
5 electronically enter voter registration information obtained by such
6 officials on an expedited basis at the time the information is received.
7 The Secretary of State shall provide adequate technological security
8 measures to prevent unauthorized access to the computerized list.
9 (2) The election commissioner or county clerk shall provide for the
10 registration of the electors of the county. Upon receipt of a voter
11 registration application in his or her office from an eligible elector,
12 the election commissioner or county clerk shall enter the information
13 from the application in the voter registration register and may create an
14 electronic image, photograph, microphotograph, or reproduction in an
15 electronic digital format to be used as the voter registration record.
16 The election commissioner or county clerk shall provide a precinct list
17 of registered voters for each precinct for the use of judges and clerks
18 of election in their respective precincts on election day. Beginning July
19 1, 2019, the election commissioner or county clerk may provide an
20 electronic poll book as described in section 2 of this act to meet the
21 requirements for a precinct list of registered voters. An electronically
22 prepared list of registered voters in a form prescribed by the Secretary
23 of State shall meet the requirements for a precinct list of registered

24 voters.

25 (3) The digital signatures in the possession of the Secretary of
26 State, the election commissioner, or the county clerk shall not be public
27 records as defined in section 84-712.01 and are not subject to disclosure
28 under sections 84-712 to 84-712.09.

29 Sec. 4. Section 32-304, Revised Statutes Supplement, 2017, is
30 amended to read:

31 32-304 (1) The Secretary of State in conjunction with the Department
1 of Motor Vehicles shall, ~~on or before September 1, 2015, develop and~~
2 implement a registration application process which may be used statewide
3 to register to vote and update voter registration records electronically
4 using the Secretary of State's web site. An applicant who has a valid
5 Nebraska motor vehicle operator's license or state identification card
6 may use the application process to register to vote or to update his or
7 her voter registration record with changes in his or her personal
8 information or other information related to his or her eligibility to
9 vote. For each electronic application, the Secretary of State shall
10 obtain a copy of the electronic representation of the applicant's
11 signature from the Department of Motor Vehicles' records of his or her
12 motor vehicle operator's license or state identification card for
13 purposes of voter registration and electronic poll books.

14 (2) The application shall contain substantially all the information
15 provided in section 32-312 and the following informational statements:

16 (a) An applicant who submits this application electronically is
17 affirming that the information in the application is true. Any applicant
18 who submits this application electronically knowing that any of the
19 information in the application is false shall be guilty of a Class IV
20 felony under section 32-1502 of the statutes of Nebraska. The penalty for
21 a Class IV felony is up to two years imprisonment and twelve months post-
22 release supervision, a fine of up to ten thousand dollars, or both;

23 (b) An applicant who submits this application electronically is
24 agreeing to the use of his or her digital signature from the Department
25 of Motor Vehicles' records of his or her motor vehicle operator's license
26 or state identification card for purposes of voter registration;

27 (c) To vote at the polling place on election day, the completed
28 application must be submitted on or before the third Friday before the
29 election; and

30 (d) The election commissioner or county clerk will, upon receipt of
31 the application for registration, send an acknowledgment of registration
1 to the applicant indicating whether the application is proper or not.

2 Sec. 5. Section 32-330, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 32-330 (1) Except as otherwise provided in subsection (3) of section
5 32-301, the ~~The~~ voter registration register shall be a public record. Any
6 person may examine the register at the office of the election
7 commissioner or county clerk, but no person other than the election
8 commissioner, county clerk, or law enforcement shall be allowed to make
9 copies of the register. Copies of the register shall only be used for
10 list maintenance as provided in section 32-329 or law enforcement

11 purposes. The electronic records of the original voter registrations
 12 created pursuant to section 32-301 may constitute the voter registration
 13 register. The election commissioner or county clerk shall withhold
 14 information in the register designated as confidential under section
 15 32-331. No portion of the register made available to the public and no
 16 list distributed pursuant to this section shall include the digital
 17 signature of any voter.

18 (2) The election commissioner or county clerk shall make available
 19 for purchase a list of registered voters that contains the information
 20 required under section 32-312 and, if requested, a list that only
 21 contains registered voters who have voted in an election held more than
 22 thirty days prior to the request for the list. The election commissioner
 23 or county clerk shall establish the price of the lists at a rate that
 24 fairly covers the actual production cost of the lists, not to exceed
 25 three cents per name. Lists shall be used solely for purposes related to
 26 elections, political activities, voter registration, law enforcement, or
 27 jury selection. Lists shall not be used for commercial purposes.

28 (3) Any person who acquires a list of registered voters under
 29 subsection (2) of this section shall take and subscribe to an oath in
 30 substantially the following form:

31 I hereby swear that I will use the list of registered voters
 1 of County, Nebraska, only for the purposes prescribed in section
 2 32-330 and for no other purpose and that I will not permit the use or
 3 copying of such list for unauthorized purposes.

4 I hereby declare under the penalty of election falsification that
 5 the statements above are true to the best of my knowledge.

6 The penalty for election falsification is a Class IV felony.

7 (Signature of person acquiring list)

8 Subscribed and sworn to before me this day of 20.. .

9 (Name of officer)

10 (Official title of officer)

11 (4) The election commissioner or county clerk shall provide, upon
 12 request and free of charge, a complete and current listing of all
 13 registered voters and their addresses to the Clerk of the United States
 14 District Court for the District of Nebraska. Such list shall be provided
 15 no later than December 31 of each even-numbered year.

16 (5) The election commissioner or county clerk shall provide, upon
 17 request and free of charge, a complete and current listing of all
 18 registered voters and their addresses to the state party headquarters of
 19 each political party and to the county chairperson of each political
 20 party. Such list shall be provided no later than thirty-five days prior
 21 to the statewide primary and statewide general elections.

22 Sec. 6. Section 32-913, Reissue Revised Statutes of Nebraska, is
 23 amended to read:

24 32-913 (1) The clerks of election shall have a list of registered
 25 voters of the precinct and a sign-in register at the polling place on
 26 election day. The list of registered voters shall be used for guidance on
 27 election day and may be in the form of a computerized, typed, or
 28 handwritten list or precinct registration cards. Registered voters of the

29 precinct shall place and record their signature in the sign-in register
30 before receiving any ballot. The list of registered voters and the sign-
31 in register may be combined into one document at the discretion of the
1 election commissioner or county clerk including beginning July 1, 2019,
2 by the use of an electronic poll book. If a combined document is used, a
3 clerk of election may list the names of the registered voters in a
4 separate book in the order in which they voted.

5 (2) Within twenty-four hours after the polls close in the precinct,
6 the precinct inspector or one of the judges of election shall deliver the
7 precinct list of registered voters and the precinct sign-in register to
8 the election commissioner or county clerk. The election commissioner or
9 county clerk shall file and preserve the list and register. No member of
10 a receiving board who has custody or charge of the precinct list of
11 registered voters and the precinct sign-in register shall permit the list
12 or register to leave his or her possession from the time of receipt until
13 he or she delivers them to another member of the receiving board or to
14 the precinct inspector or judge of election for delivery to the election
15 commissioner or county clerk.

16 Sec. 7. This act becomes operative on July 1, 2019.

17 Sec. 8. Original sections 32-101, 32-330, and 32-913, Reissue
18 Revised Statutes of Nebraska, and sections 32-301 and 32-304, Revised
19 Statutes Supplement, 2017, are repealed.

The Murante amendment was adopted with 31 ayes, 0 nays, 15 present and
not voting, and 3 excused and not voting.

The committee amendment, AM1890, as amended, was adopted with 36
ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 7 present
and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1065A. Title read. Considered.

Senator Murante offered his amendment, FA143, found on page 1394.

The Murante amendment was adopted with 36 ayes, 0 nays, 10 present and
not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present
and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1058. Title read. Considered.

Committee AM2527, found on page 1165, was offered.

Pending.

AMENDMENT(S) - Print in Journal

Senator McDonnell filed the following amendment to LB791:

FA146

Amend AM2708

On page one, line three (1), strike "The chief of police, sheriff"

Senator Quick filed the following amendment to LB791:

FA147

Amend AM2708

On page 1, line 3 strike (1) The Chief of Police, sheriff and replace with (1) Sheriff, the Chief of Police.

Senator Hansen filed the following amendment to LB791:

AM2838

(Amendments to Standing Committee amendments, AM2708)

1 1. On page 1, line 8, strike "seven calendar" and insert "five business".

Senator Hansen filed the following amendment to LB791:

AM2840

1 1. On page 5, line 25, strike "abrogate" and insert "nullify".

Senator Hansen filed the following amendment to LB791:

AM2847

1 1. Strike sections 1 and 2.

2 2. Renumber the remaining sections, correct internal references, and

3 correct the repealer accordingly.

Senator Hansen filed the following amendment to LB791:

AM2848

(Amendments to Final Reading copy)

1 1. Strike sections 3 and 4.

2 2. Renumber the remaining sections, correct internal references, and

3 correct the repealer accordingly.

Senator Quick filed the following amendment to LB791:

AM2837

(Amendments to Standing Committee amendments, AM2708)

1 1. On page 1, line 15; page 2, line 2; and page 4, line 29, strike

2 "ten" and insert "nine".

GENERAL FILE

LEGISLATIVE BILL 1058. Senator Chambers offered the following motion:

MO328

Bracket until April 18, 2018.

Senator Chambers withdrew his motion to bracket.

Committee AM2527, found on page 1165 and considered in this day's Journal, was renewed.

Senator Bolz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Senator Halloran moved for a call of the house. The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

Senator Murante requested a roll call vote on the committee amendment.

Voting in the affirmative, 20:

Bostelman	Erdman	Kolterman	McDonnell	Smith
Brewer	Friesen	Lindstrom	Murante	Stinner
Briese	Groene	Linehan	Riepe	Watermeier
Clements	Halloran	Lowe	Scheer	Williams

Voting in the negative, 24:

Albrecht	Chambers	Hilkemann	McCollister	Thibodeau
Baker	Crawford	Howard	Morfeld	Vargas
Blood	Ebke	Hughes	Pansing Brooks	Walz
Bolz	Geist	Kolowski	Quick	Wayne
Brasch	Hansen	Krist	Schumacher	

Excused and not voting, 5:

Harr	Hilgers	Kuehn	Larson	Wishart
------	---------	-------	--------	---------

The committee amendment lost with 20 ayes, 24 nays, and 5 excused and not voting.

The Chair declared the call raised.

SENATOR WILLIAMS PRESIDING

Senator Halloran moved for a call of the house. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Senator Halloran requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 23:

Bostelman	Erdman	Larson	Murante	Watermeier
Brewer	Friesen	Lindstrom	Riepe	Wayne
Briese	Groene	Linehan	Scheer	Williams
Clements	Halloran	Lowe	Smith	
Ebke	Kolterman	McDonnell	Stinner	

Voting in the negative, 21:

Albrecht	Chambers	Hughes	Pansing Brooks	Walz
Baker	Crawford	Kolowski	Quick	
Blood	Geist	Krist	Schumacher	
Bolz	Hansen	McCollister	Thibodeau	
Brasch	Howard	Morfeld	Vargas	

Present and not voting, 1:

Hilkemann

Excused and not voting, 4:

Harr	Hilgers	Kuehn	Wishart
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Failed to advance to Enrollment and Review Initial with 23 ayes, 21 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator Thibodeau name added to LB1120.

Senator Brasch name added to LR395.

VISITORS

Visitors to the Chamber were 9 eighth-grade students, teacher, and sponsors from St. Rose of Lima School, Crofton; Mick, Mary, and Ben Ashman from Lincoln; 4 members of the York Young Professional Group; 15 eighth-grade students and teachers from St. Mary's School, Lincoln; 44 fourth-grade students, teachers, and sponsors from North Bend Central Elementary; 69 fourth-grade students from Longfellow Elementary, Hastings; 11 tenth-through twelfth-grade students and teachers from Minatare Public Schools; and 13 fourth-grade students from Allen Consolidated Schools.

The Doctor of the Day was Dr. Jason Bespalec from Geneva.

ADJOURNMENT

At 5:40 p.m., on a motion by Senator Kolowski, the Legislature adjourned until 9:00 a.m., Friday, April 6, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SIXTH DAY - APRIL 6, 2018
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION
FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 6, 2018

PRAYER

The prayer was offered by Pastor Sarah Cordray, Luther Memorial Church, Syracuse.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Hansen, Morfeld, Murante, Stinner, Vargas, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 5, 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

Frohman, Ann
National Association of Public Insurance Adjusters
Joekel, Tiffany
Women's Fund of Greater Omaha, Inc.
Pollock, Andy
Wilkinson Development, Inc.
Sanford, Robert A.
Nebraska Domestic Violence Sexual Assault Coalition

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>

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB741 with 34 ayes, 3 nays, 5 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 741. With Emergency Clause.

A BILL FOR AN ACT relating to the Real Property Appraiser Act; to amend sections 76-2201, 76-2202, 76-2203, 76-2205.02, 76-2207.01, 76-2207.02, 76-2207.03, 76-2207.04, 76-2207.05, 76-2207.06, 76-2207.07, 76-2207.08, 76-2207.09, 76-2207.10, 76-2207.11, 76-2207.12, 76-2207.13, 76-2207.14, 76-2207.15, 76-2207.16, 76-2215, 76-2216.02, 76-2218.02, 76-2219.01, 76-2220, 76-2221, 76-2222, 76-2227, 76-2233, 76-2233.03, 76-2236, 76-2236.01, 76-2238, 76-2245, 76-2246, and 76-2247.01, Revised Statutes Cumulative Supplement, 2016; to change intent; to define and redefine terms; to eliminate provisions relating to real property associates; to change provisions relating to the Real Property Appraiser Board, credentials, reciprocity, continuing education, and disciplinary action; to harmonize provisions; to repeal the original sections; to outright repeal sections 76-2216.01 and 76-2227.01, Revised Statutes Cumulative Supplement, 2016; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Albrecht	Clements	Harr	Larson	Scheer
Baker	Crawford	Hilgers	Lindstrom	Schumacher
Blood	Ebke	Hilkemann	Linehan	Smith
Bolz	Erdman	Howard	Lowe	Thibodeau
Bostelman	Friesen	Hughes	McCollister	Walz
Brasch	Geist	Kolowski	McDonnell	Watermeier
Brewer	Groene	Kolterman	Pansing Brooks	Wayne
Briese	Halloran	Krist	Quick	Williams
Chambers	Hansen	Kuehn	Riepe	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Morfeld Murante Stinner Vargas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 760. With Emergency Clause.

A BILL FOR AN ACT relating to the Volunteer Emergency Responders Incentive Act; to amend sections 77-3101, 77-3102, 77-3103, 77-3104, and 77-3105, Revised Statutes Cumulative Supplement, 2016; to add volunteer departments that serve counties to the act; to provide for retroactive applicability; to provide duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Hilkemann	Lowe	Thibodeau
Baker	Ebke	Howard	McCollister	Walz
Blood	Erdman	Hughes	McDonnell	Watermeier
Bolz	Friesen	Kolowski	Pansing Brooks	Wayne
Bostelman	Geist	Kolterman	Quick	Williams
Brasch	Groene	Krist	Riepe	Wishart
Brewer	Halloran	Kuehn	Scheer	
Briese	Hansen	Larson	Schumacher	
Chambers	Harr	Lindstrom	Smith	
Clements	Hilgers	Linehan	Stinner	

Voting in the negative, 0.

Excused and not voting, 3:

Morfeld Murante Vargas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB903 with 39 ayes, 3 nays, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 903. With Emergency Clause.

A BILL FOR AN ACT relating to aging services; to amend sections 81-2225, 81-2237, 81-2238, 81-2239, 81-2242, 81-2243, 81-2244, 81-2245, 81-2246, 81-2247, 81-2248, 81-2250, 81-2251, 81-2252, 81-2253, 81-2254, 81-2255, 81-2258, 81-2259, 81-2260, 81-2261, 81-2262, and 81-2264, Reissue Revised Statutes of Nebraska; to change reimbursement provisions under the Nebraska Community Aging Services Act; to change provisions of the Long-Term Care Ombudsman Act relating to complaints and investigations, rulemaking authority, long-term care facility residents, resident representatives, and access to medical and personal records; to define and redefine terms; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Hilkemann	Lowe	Thibodeau
Baker	Ebke	Howard	McCollister	Walz
Blood	Erdman	Hughes	McDonnell	Watermeier
Bolz	Friesen	Kolowski	Pansing Brooks	Wayne
Bostelman	Geist	Kolterman	Quick	Williams
Brasch	Groene	Krist	Riepe	Wishart
Brewer	Halloran	Kuehn	Scheer	
Briese	Hansen	Larson	Schumacher	
Chambers	Harr	Lindstrom	Smith	
Clements	Hilgers	Linehan	Stinner	

Voting in the negative, 0.

Excused and not voting, 3:

Morfeld Murante Vargas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB909 with 39 ayes, 2 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 909. With Emergency Clause.

A BILL FOR AN ACT relating to transportation; to amend sections 28-1204.04, 37-1280, 37-1285, 37-1293, 60-104, 60-119, 60-129, 60-133, 60-142.04, 60-142.05, 60-142.06, 60-174, 60-191, 60-309, 60-335, 60-348, 60-354, 60-378, 60-389, 60-3,185, 60-4,128, 60-4,130.04, 60-6,244, 60-6,254, 60-6,255, 60-6,263, 60-6,279, 60-6,306, 60-6,307, 60-6,308, 60-6,313, and 69-2441, Reissue Revised Statutes of Nebraska, sections 60-104.01, 60-124, 60-146, 60-148, 60-168.01, 60-169, 60-171, 60-173, 60-175, 60-309.01, 60-316, 60-340, 60-3,100, 60-3,113.02, 60-3,113.03, 60-3,143, 60-3,147, 60-3,148, 60-3,187, 60-3,190, 60-3,221, 60-3,228, 60-462, 60-463.02, 60-480, 60-484, 60-4,122, 60-4,123, 60-4,123.01, 60-4,124, 60-4,127, 60-4,131, 60-4,131.01, 60-4,132, 60-4,182, 60-601, 60-610.01, 60-639, 60-640, 60-6,226, 60-1401, 60-1401.02, 60-1401.28, and 60-1401.42, Revised Statutes Cumulative Supplement, 2016, sections 37-1285.01, 60-101, 60-102, 60-119.01, 60-149, 60-164, 60-164.01, 60-192, 60-301, 60-302, 60-336.01, 60-363, 60-386, 60-395, 60-3,104, 60-3,113.04, 60-3,193.01, 60-3,229, 60-462.01, 60-479.01, 60-4,147.02, 60-501, 60-628.01, 60-6,267, 60-6,294, 60-6,298, 60-1507, 75-363, 75-364, 75-366, 75-369.03, 75-392, and 75-393, Revised Statutes Supplement, 2017, section 37-1283, Revised Statutes Supplement, 2017, as amended by section 75, Legislative Bill 193, One Hundred Fifth Legislature, Second Session, 2018, and section 60-166, Revised Statutes Supplement, 2017, as amended by section 87, Legislative Bill 193, One Hundred Fifth Legislature, Second Session, 2018, and section 2, Legislative Bill 275, One Hundred Fifth Legislature, Second Session, 2018; to change provisions relating to the Motor Vehicle Certificate of Title Act, the Motor Vehicle Industry Regulation Act, the Motor Vehicle Operator's License Act, the Motor Vehicle Registration Act, the Motor Vehicle Safety Responsibility Act, the Nebraska Rules of the Road, the State Boat Act, motor carriers, and hazardous materials regulations; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Albrecht	Crawford	Hilkemann	Lowe	Thibodeau
Baker	Ebke	Howard	McCollister	Walz
Blood	Erdman	Hughes	McDonnell	Watermeier
Bolz	Friesen	Kolowski	Pansing Brooks	Wayne
Bostelman	Geist	Kolterman	Quick	Williams
Brasch	Groene	Krist	Riepe	Wishart
Brewer	Halloran	Kuehn	Scheer	
Briese	Hansen	Larson	Schumacher	
Chambers	Harr	Lindstrom	Smith	
Clements	Hilgers	Linehan	Stinner	

Voting in the negative, 0.

Excused and not voting, 3:

Morfeld Murante Vargas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 940. With Emergency Clause.

A BILL FOR AN ACT relating to the Civic and Community Center Financing Act; to amend sections 13-2703, 13-2704.01, and 13-2707, Revised Statutes Cumulative Supplement, 2016, and section 13-2705, Revised Statutes Supplement, 2017; to redefine terms; to expand the use of the Civic and Community Center Financing Fund; to change grant request limits as prescribed; to provide a restriction on the sale of certain municipally owned centers; to provide priority for certain grant applications as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Hilkemann	Lowe	Stinner
Baker	Ebke	Howard	McCollister	Thibodeau
Blood	Erdman	Hughes	McDonnell	Vargas
Bolz	Friesen	Kolowski	Murante	Walz
Bostelman	Geist	Kolterman	Pansing Brooks	Watermeier
Brasch	Groene	Krist	Quick	Wayne
Brewer	Halloran	Kuehn	Riepe	Williams
Briese	Hansen	Larson	Scheer	Wishart
Chambers	Harr	Lindstrom	Schumacher	
Clements	Hilgers	Linehan	Smith	

Voting in the negative, 0.

Excused and not voting, 1:

Morfeld

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 940A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 940, One Hundred Fifth Legislature, Second Session, 2018; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Hilkemann	Lowe	Stinner
Baker	Ebke	Howard	McCollister	Thibodeau
Blood	Erdman	Hughes	McDonnell	Vargas
Bolz	Friesen	Kolowski	Murante	Walz
Bostelman	Geist	Kolterman	Pansing Brooks	Watermeier
Brasch	Groene	Krist	Quick	Wayne
Brewer	Halloran	Kuehn	Riepe	Williams
Briese	Hansen	Larson	Scheer	Wishart
Chambers	Harr	Lindstrom	Schumacher	
Clements	Hilgers	Linehan	Smith	

Voting in the negative, 0.

Excused and not voting, 1:

Morfeld

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Motion to LB1008

Senator Larson withdrew his motion, MO304, found on page 1282, to recommit to the Natural Resources Committee, to LB1008.

WITHDRAW - Amendment to LB1008

Senator Larson withdrew his amendment, FA140, found on page 1282, to LB1008.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1008 with 41 ayes, 3 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1008. With Emergency Clause.

A BILL FOR AN ACT relating to law; to amend sections 37-613 and 57-904, Reissue Revised Statutes of Nebraska, and sections 70-1015 and 81-15,160, Revised Statutes Cumulative Supplement, 2016; to change amounts of certain liquidated damages under the Game Law; to change the compensation of members of the Nebraska Oil and Gas Conservation Commission; to authorize the withholding of certain competitive or proprietary information relating to public power; to change provisions relating to privately developed renewable energy generation facilities; to change a date relating to grants for certain scrap tire projects; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Albrecht	Crawford	Hilgers	McCollister	Stinner
Baker	Ebke	Hilkemann	McDonnell	Thibodeau
Blood	Erdman	Howard	Murante	Vargas
Bolz	Friesen	Hughes	Pansing Brooks	Walz
Bostelman	Geist	Kolterman	Quick	Williams
Brasch	Groene	Krist	Riepe	Wishart
Brewer	Halloran	Kuehn	Scheer	
Briese	Hansen	Lindstrom	Schumacher	
Chambers	Harr	Linehan	Smith	

Voting in the negative, 4:

Clements	Larson	Watermeier	Wayne
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Present and not voting, 2:

Kolowski	Lowe
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Excused and not voting, 1:

Morfeld

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1091. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Supplement, 2017; to update references to the Internal Revenue Code; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Hilkemann	Lowe	Stinner
Baker	Ebke	Howard	McCollister	Thibodeau
Blood	Erdman	Hughes	McDonnell	Vargas
Bolz	Friesen	Kolowski	Murante	Walz
Bostelman	Geist	Kolterman	Pansing Brooks	Watermeier
Brasch	Groene	Krist	Quick	Wayne
Brewer	Halloran	Kuehn	Riepe	Williams
Briese	Hansen	Larson	Scheer	Wishart
Chambers	Harr	Lindstrom	Schumacher	
Clements	Hilgers	Linehan	Smith	

Voting in the negative, 0.

Excused and not voting, 1:

Morfeld

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 741, 760, 903, 909, 940, 940A, 1008, and 1091.

SELECT FILE

LEGISLATIVE BILL 841. ER171, found on page 1392, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 776. ER147, found on page 1195, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 738. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 738A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1040. ER167, found on page 1367, was adopted.

Senator Krist requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Albrecht	Crawford	Hilkemann	McCollister	Thibodeau
Blood	Ebke	Kolterman	McDonnell	Walz
Bostelman	Erdman	Kuehn	Murante	Watermeier
Brasch	Geist	Larson	Quick	Williams
Brewer	Groene	Lindstrom	Riepe	Wishart
Briese	Halloran	Linehan	Scheer	
Clements	Hilgers	Lowe	Schumacher	

Voting in the negative, 3:

Baker	Kolowski	Krist
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Present and not voting, 12:

Bolz	Hansen	Hughes	Stinner
Chambers	Harr	Pansing Brooks	Vargas
Friesen	Howard	Smith	Wayne

Excused and not voting, 1:

Morfeld

Advanced to Enrollment and Review for Engrossment with 33 ayes, 3 nays, 12 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 902. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 751. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1121. ER153, found on page 1257, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1121A. Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 1034. Placed on Select File with amendment. ER175 is available in the Bill Room.

LEGISLATIVE BILL 1034A. Placed on Select File.

(Signed) Anna Wishart, Chairperson

GENERAL FILE

LEGISLATIVE BILL 449. Considered.

Senator Krist offered the following motion:
MO329

Recommit to the Natural Resources Committee.

Senator Krist withdrew his motion to recommit to committee.

Senator Harr moved the previous question. The question is, "Shall the debate now close?"

Senator Harr moved for a call of the house. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

Senator Larson requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 32:

Albrecht	Chambers	Harr	McCollister	Vargas
Baker	Crawford	Hilkemann	Morfeld	Walz
Blood	Ebke	Howard	Pansing Brooks	Wayne
Bolz	Erdman	Kolowski	Quick	Wishart
Brasch	Geist	Krist	Riepe	
Brewer	Groene	Kuehn	Schumacher	
Briese	Hansen	Lindstrom	Smith	

Voting in the negative, 6:

Clements Larson Watermeier
Hughes Stinner Williams

Present and not voting, 9:

Bostelman Halloran Kolterman Lowe Thibodeau
Friesen Hilgers Linehan Murante

Absent and not voting, 1:

McDonnell

Excused and not voting, 1:

Scheer

The motion to cease debate prevailed with 32 ayes, 6 nays, 9 present and not voting, 1 absent and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 9 nays, 14 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 6, 2018, at 9:43 a.m. were the following: LBs 741e, 760e, 903e, 909e, 940e, 940Ae, 1008e, and 1091e.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

AMENDMENT(S) - Print in Journal

Senator Hilgers filed the following amendment to LB117:

FA148

Strike the enacting clause.

Senator Watermeier filed the following amendment to LB861:

AM2854

1 1. Strike the original sections and all amendments thereto and

2 insert the following new section:

3 Section 1. (1) For purposes of this section:

4 (a) Correctional institution incident means an incident in which a

5 crime or crimes are allegedly committed by one or more inmates confined

6 in a state correctional institution;

7 (b) Costs of prosecution includes, but is not limited to, the costs

8 of defense for indigent defendants, including attorney's fees and expert

9 witness fees;

10 (c) Division means the risk management and state claims division of
11 the Department of Administrative Services; and

12 (d) Threshold amount means the amount of property tax revenue raised
13 by a county from a levy of two and one-half cents per one hundred dollars
14 of taxable valuation of property subject to the levy. The threshold
15 amount shall be determined using valuations for the year in which the
16 correctional institution incident occurred.

17 (2) A county may file a claim with the division to recover the costs
18 of prosecution relating to a correctional institution incident that
19 occurs within the county. The county may recover only those costs that
20 exceed the threshold amount for such county.

21 (3) The Risk Manager shall have the power and authority to receive
22 claims, investigate claims, and otherwise carry out the responsibilities
23 of this section. The division shall develop a claim form, publish claim
24 procedures, and determine the supporting information required to perfect
25 a claim.

26 (4) The Risk Manager shall submit claims received under this section
27 to the Legislature in the same manner as provided in the State
1 Miscellaneous Claims Act. The Legislature shall review the claim and make
2 an appropriation for the claim if appropriate.

3 (5) This section shall apply to any correctional institution
4 incident occurring on or after May 1, 2015. Claims described in this
5 section shall have no time bar to recovery.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 497. Placed on Final Reading.

LEGISLATIVE BILL 629. Placed on Final Reading.

LEGISLATIVE BILL 682. Placed on Final Reading.

LEGISLATIVE BILL 701. Placed on Final Reading.

LEGISLATIVE BILL 708. Placed on Final Reading.

LEGISLATIVE BILL 717. Placed on Final Reading.

LEGISLATIVE BILL 732. Placed on Final Reading.

ST59

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E and R amendments, ER152, on page 3, line 1, "created pursuant to section 43-4212" has been struck, shown as stricken, and "appointed pursuant to section 43-4216" has been inserted.

LEGISLATIVE BILL 733. Placed on Final Reading.

LEGISLATIVE BILL 742. Placed on Final Reading.

LEGISLATIVE BILL 749. Placed on Final Reading.

LEGISLATIVE BILL 766. Placed on Final Reading.

LEGISLATIVE BILL 786. Placed on Final Reading.

LEGISLATIVE BILL 799. Placed on Final Reading.

LEGISLATIVE BILL 812. Placed on Final Reading.
LEGISLATIVE BILL 815. Placed on Final Reading.
LEGISLATIVE BILL 840. Placed on Final Reading.
LEGISLATIVE BILL 847. Placed on Final Reading.
LEGISLATIVE BILL 848. Placed on Final Reading.
LEGISLATIVE BILL 859. Placed on Final Reading.
LEGISLATIVE BILL 885. Placed on Final Reading.
LEGISLATIVE BILL 889. Placed on Final Reading.
LEGISLATIVE BILL 982. Placed on Final Reading.
LEGISLATIVE BILL 983. Placed on Final Reading.
LEGISLATIVE BILL 1000. Placed on Final Reading.
LEGISLATIVE BILL 1003. Placed on Final Reading.

LEGISLATIVE BILL 1012. Placed on Final Reading.
ST58

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E&R amendments, ER155, on page 1, line 2, "44-3910," has been struck.

LEGISLATIVE BILL 1030. Placed on Final Reading.
LEGISLATIVE BILL 1036. Placed on Final Reading.
LEGISLATIVE BILL 1038. Placed on Final Reading.
LEGISLATIVE BILL 1052. Placed on Final Reading.
LEGISLATIVE BILL 1070. Placed on Final Reading.
LEGISLATIVE BILL 1110. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1103. Senator Larson offered the following motion:
MO330
Indefinitely postpone pursuant to Rule 6, Sec. 3(f) by unanimous consent.

Senator Morfeld objected.

Senator Larson offered the following motion:
MO331
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 953. Placed on Select File with amendment.
ER176

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 48-139, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:
5 48-139 (1)(a) Whenever an injured employee or his or her dependents
6 and the employer agree that the amounts of compensation due as periodic
7 payments for death, permanent disability, or claimed permanent disability
8 under the Nebraska Workers' Compensation Act shall be commuted to one or
9 more lump-sum payments, such settlement shall be submitted to the
10 Nebraska Workers' Compensation Court for approval as provided in
11 subsection (2) of this section if:
12 (i) The employee is not represented by counsel;
13 (ii) The employee, at the time the settlement is executed, is
14 eligible for medicare, is a medicare beneficiary, or has a reasonable
15 expectation of becoming eligible for medicare within thirty months after
16 the date the settlement is executed;
17 (iii) Medical, surgical, or hospital expenses incurred for treatment
18 of the injury have been paid by medicaid and medicaid will not be
19 reimbursed as part of the settlement;
20 (iv) Medical, surgical, or hospital expenses incurred for treatment
21 of the injury will not be fully paid as part of the settlement; or
22 (v) The settlement seeks to commute amounts of compensation due to
23 dependents of the employee.
24 (b) If such lump-sum settlement is not required to be submitted for
25 approval by the compensation court, a release shall be filed with the
26 compensation court as provided in subsection (3) of this section. Nothing
27 in this section shall be construed to increase the compensation court's
1 duties or authority with respect to the approval of lump-sum settlements
2 under the act.
3 (2)(a) An application for an order approving a lump-sum settlement,
4 signed and verified by both parties, shall be filed with the clerk of the
5 compensation court and shall be entitled the same as an action by such
6 employee or dependents against such employer. The application shall
7 contain a concise statement of the terms of the settlement or agreement
8 sought to be approved with a brief statement of the facts concerning the
9 injury, the nature thereof, the wages received by the injured employee
10 prior thereto, the nature of the employment, a description of the
11 medical, surgical, or hospital expenses incurred for treatment of the
12 injury that will remain unpaid as part of the settlement which are
13 disputed and for which compensability has been denied by the employer,
14 and such other matters as may be reasonably required by the compensation
15 court. The application may provide for payment of future medical,
16 surgical, or hospital expenses incurred by the employee. The compensation
17 court may, on its own motion, and shall, on a motion by one of the
18 parties, hold a hearing on the application at a time and place selected
19 by the compensation court, and proof may be adduced and witnesses

20 subpoenaed and examined the same as in an action in equity.
21 ~~(b)(i) (b)~~ If the compensation court finds such lump-sum settlement
22 is made in conformity with the compensation schedule and for the best
23 interests of the employee or his or her dependents under all the
24 circumstances, the compensation court shall make an order approving the
25 same.

26 (ii) If the expenses for medical, surgical, or hospital services
27 provided to the employee are not paid by the employer, or if any person,
28 other than medicare, who has made any payment to the supplier of medical,
29 surgical, or hospital services provided to the employee, is not
30 reimbursed by the employer, it shall be conclusively presumed that the
31 nonpayment or nonreimbursement of disputed medical, surgical, or hospital
1 expenses, as set forth in the application, is in conformity with the
2 compensation schedule and for the best interests of the employee or his
3 or her dependents, if the employee's attorney elects to affirm in the
4 application that the nonpayment or nonreimbursement of disputed medical,
5 surgical, or hospital expenses is in conformity with the compensation
6 schedule and for the best interests of the employee or his or her
7 dependents under all the circumstances.

8 (iii) If the employee, at the time the settlement is executed, is
9 eligible for medicare, is a medicare beneficiary, or has a reasonable
10 expectation of becoming eligible for medicare within thirty months after
11 the date the settlement is executed, and if the employee's attorney
12 elects to affirm in the application that the parties' agreement relating
13 to consideration of medicare's interests set forth in such lump-sum
14 settlement is in conformity with the compensation schedule and for the
15 best interests of the employee or his or her dependents under all the
16 circumstances, it shall be conclusively presumed that the parties'
17 agreement relating to consideration of medicare's interests set forth in
18 the application is in conformity with the compensation schedule and for
19 the best interests of the employee or his or her dependents.

20 (iv) If such settlement is not approved, the compensation court may
21 dismiss the application at the cost of the employer or continue the
22 hearing, in the discretion of the compensation court.

23 (c) Every such lump-sum settlement approved by order of the
24 compensation court shall be final and conclusive unless procured by
25 fraud. An order approving an application under this subsection shall, in
26 any case in which the employee is represented by counsel and in which the
27 application contains a description of the medical, surgical, or hospital
28 expenses incurred for treatment of the injury that will remain unpaid as
29 part of the settlement which are disputed and for which compensability
30 has been denied by the employer, provide that the employer is not liable
31 for such expenses. Upon paying the amount approved by the compensation
1 court, the employer ~~(i)~~ shall be discharged from further liability on
2 account of the injury or death, other than liability for the payment of
3 future medical, surgical, or hospital expenses if such liability is
4 approved by the compensation court on the application of the parties, ~~and~~
5 ~~(ii) shall be entitled to a duly executed release. Upon filing the~~
6 ~~release, the liability of the employer under any agreement, award,~~
7 ~~finding, or decree shall be discharged of record.~~

8 (d) An exclusion from coverage in any health, accident, or other

9 insurance policy covering an employee which provides that coverage under
10 such insurance policy does not apply if such employee is entitled to
11 workers' compensation coverage is void as to such employee if his or her
12 employer is not liable for medical, surgical, or hospital expenses
13 incurred for treatment of an injury that will remain unpaid as part of
14 the settlement pursuant to an order entered under subdivision (2)(c) of
15 this section.

16 (3) If such lump-sum settlement is not required to be submitted for
17 approval by the compensation court, a release shall be filed with the
18 compensation court in accordance with this subsection that is signed and
19 verified by the employee and the employee's attorney. The release shall
20 be made on a form approved by the compensation court and shall contain a
21 statement signed and verified by the employee that:

22 (a) The employee understands and waives all rights under the
23 Nebraska Workers' Compensation Act, including, but not limited to:

24 (i) The right to receive weekly disability benefits, both temporary
25 and permanent;

26 (ii) The right to receive vocational rehabilitation services;

27 (iii) The right to receive future medical, surgical, and hospital
28 services as provided in section 48-120, unless such services are
29 specifically excluded from the release; and

30 (iv) The right to ask a judge of the compensation court to decide
31 the parties' rights and obligations;

1 (b) The employee is not eligible for medicare, is not a current
2 medicare beneficiary, and does not have a reasonable expectation of
3 becoming eligible for medicare within thirty months after the date the
4 settlement is executed;

5 (c) There are no medical, surgical, or hospital expenses incurred
6 for treatment of the injury which have been paid by medicaid and not
7 reimbursed to medicaid by the employer as part of the settlement; and

8 (d) There are no medical, surgical, or hospital expenses incurred
9 for treatment of the injury that will remain unpaid after the settlement.

10 (4) Upon the entry of an order of dismissal with prejudice, a A
11 release filed with the compensation court in accordance with subsection
12 (3) of this section shall be final and conclusive as to all rights waived
13 in the release unless procured by fraud. Amounts to be paid by the
14 employer to the employee pursuant to such release shall be paid within
15 thirty days of filing the release with the compensation court. Fifty
16 percent shall be added for payments owed to the employee if made after
17 thirty days after the date the release is filed with the compensation
18 court. Upon making payment owed by the employer as set forth in the
19 release and upon the entry of an order of dismissal with prejudice, as to
20 all rights waived in the release, such release shall be a full and
21 complete discharge from further liability for the employer on account of
22 the injury, including future medical, surgical, or hospital expenses,
23 unless such expenses are specifically excluded from the release, and the
24 court shall enter an order of dismissal with prejudice as to all rights
25 waived in the release.

26 (5) The fees of the clerk of the compensation court for filing,
27 docketing, and indexing an application for an order approving a lump-sum
28 settlement or filing a release as provided in this section shall be

29 fifteen dollars. The fees shall be remitted by the clerk to the State
30 Treasurer for credit to the Compensation Court Cash Fund.

31 Sec. 2. Section 48-2907, Reissue Revised Statutes of Nebraska, is
1 amended to read:

2 48-2907 (1) In addition to any other fines or penalties provided by
3 law, if the commissioner finds, after notice and hearing, that a
4 contractor has violated the Employee Classification Act, the contractor
5 shall be assessed, by the commissioner, a five-hundred-dollar fine per
6 each misclassified individual for the first offense and a five-thousand-
7 dollar fine per each misclassified individual for each second and
8 subsequent offense.

9 (2) Any contractor who has unpaid fines for a violation of the
10 Employee Classification Act shall be barred from contracting with the
11 state or any political subdivision until such fines are paid.

12 Sec. 3. Section 48-2911, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 48-2911 Any contract between the state or a political subdivision
15 and a contractor shall require that each contractor who performs
16 construction or delivery service pursuant to the contract submit to the
17 state or political subdivision an affidavit attesting that (1) each
18 individual performing services for such contractor is properly classified
19 under the Employee Classification Act, (2) such contractor has completed
20 a federal I-9 immigration form and has such form on file for each
21 employee performing services, (3) such contractor has complied with
22 section 4-114, (4) such contractor has no reasonable basis to believe
23 that any individual performing services for such contractor is an
24 undocumented worker, and (5) as of the time of the contract, such
25 contractor is not barred from contracting with the state or any political
26 subdivision pursuant to section ~~48-2907~~ or 48-2912. Such contract shall
27 also require that the contractor follow the provisions of the Employee
28 Classification Act. A violation of the act by a contractor is grounds for
29 rescission of the contract by the state or political subdivision.

30 Sec. 4. Original sections 48-2907 and 48-2911, Reissue Revised
31 Statutes of Nebraska, and section 48-139, Revised Statutes Cumulative
1 Supplement, 2016, are repealed.

2 2. On page 1, strike beginning with "the" in line 1 through line 4
3 and insert "labor; to amend sections 48-2907 and 48-2911, Reissue Revised
4 Statutes of Nebraska, and section 48-139, Revised Statutes Cumulative
5 Supplement, 2016; to change provisions relating to lump-sum settlements;
6 to prohibit contractors with unpaid fines under the Employee
7 Classification Act from contracting with the state or a political
8 subdivision; to change provisions relating to a required affidavit; and
9 to repeal the original sections."

LEGISLATIVE BILL 807A. Placed on Select File.

(Signed) Anna Wishart, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 482. Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36; Stinner, 48.

PURPOSE: The purpose of this resolution is to examine existing barriers that prohibit the establishment of mobile massage establishments and issues that may arise if licensure of mobile massage establishments is permitted in the State of Nebraska.

The issues addressed by this study shall include, but not be limited to, the following:

(1) Current statutes or rules and regulations that could allow for such licensure;

(2) Reasonable requirements for the operation of mobile massage salons; and

(3) Safety concerns and similar licensing credentials for stationary businesses of the same type.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator McCollister name added to LB738.

Senator Larson name added to LB989

VISITORS

Visitors to the Chamber were 7 members of Habitat for Humanity of Omaha; 20 fourth-grade students from Concordia Academy, Omaha; Westside student, Sam Bacon; 33 fourth-grade students from Sandy Creek Elementary, Fairfield; 28 high school students, teacher, and sponsors from Morrill High School; Senator Schumacher's brother-in-law and sister-in-law, Gregory and Olga Gassé, from Weston, FL; Senator Schumacher's wife, Michele, from Columbus; 20 high school students from Omaha Burke High School; and Tami Martin and Shayne Fisk from Lincoln.

RECESS

At 11:58 a.m., on a motion by Senator McDonnell, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Bolz, Harr, Howard, Kuehn, McDonnell, Morfeld, Pansing Brooks, Thibodeau, Watermeier, and Wishart who were excused until they arrive.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1065. Placed on Select File with amendment.
ER177

- 1 1. In the Murante amendment, AM2842, on page 6, line 1, after
- 2 "including" insert an underscored comma.
- 3 2. On page 1, strike lines 2 through 12 and insert "32-330, and
- 4 32-913, Reissue Revised Statutes of Nebraska, and sections 32-301 and
- 5 32-304, Revised Statutes Supplement, 2017; to provide requirements for
- 6 and authorize the use of electronic poll books as prescribed; to change
- 7 provisions relating to digital signatures; to harmonize provisions; to
- 8 provide an operative date; and to repeal the original sections."

LEGISLATIVE BILL 1065A. Placed on Select File with amendment.
ER178

- 1 1. Renumber section 2 as section 1.

(Signed) Anna Wishart, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1103. The Larson motion, MO331, found in this day's Journal, to indefinitely postpone pursuant to Rule 6, Sec. 3(f), was renewed.

Senator Briese moved the previous question. The question is, "Shall the debate now close?"

Senator Briese moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Briese requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 26:

Albrecht	Chambers	Hansen	Morfeld	Watermeier
Baker	Crawford	Hilkemann	Pansing Brooks	Wayne
Blood	Ebke	Hughes	Quick	
Bolz	Friesen	Kolowski	Riepe	
Bostelman	Groene	Kolterman	Stinner	
Briese	Halloran	Krist	Walz	

Voting in the negative, 8:

Brasch	Hilgers	Linehan	Smith
Geist	Larson	McCollister	Williams

Present and not voting, 9:

Brewer	Erdman	Lowe	Scheer	Vargas
Clements	Lindstrom	Murante	Schumacher	

Excused and not voting, 6:

Harr	Kuehn	Thibodeau
Howard	McDonnell	Wishart

The motion to cease debate prevailed with 26 ayes, 8 nays, 9 present and not voting, and 6 excused and not voting.

The Larson motion to indefinitely postpone failed with 6 ayes, 25 nays, 13 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Larson offered the following motion:

MO332

Pass over pursuant to Rule 6, Sec. 3(d).

The Chair ruled the Larson motion is out of order because it is not a priority motion.

Senator Larson challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion failed with 3 ayes, 29 nays, 15 present and not voting, and 2 excused and not voting.

The Chair was sustained.

Title read. Considered.

Senator Friesen asked unanimous consent to withdraw his amendment, AM2439, found on page 1069, and replace it with the Briese substitute amendment, AM2808, found on page 1404.

Senator Smith objected.

Senator Friesen offered the following motion:

MO334

Withdraw AM2439 and replace with AM2808.

Senator Brasch offered her motion, MO318, found on page 1398, to bracket until April 18, 2018.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 483. Introduced by Brewer, 43; Pansing Brooks, 28.

WHEREAS, Tamara (Tammy) Eagle Bull, FAIA, was the first Native American woman to become a licensed architect in the United States; and

WHEREAS, Tammy Eagle Bull is a member of the Nebraska Chapter of the American Institute of Architects (AIA) and a member of the Oglala Lakota Nation; and

WHEREAS, Tammy Eagle Bull is the co-founder and president of Encompass Architects in Lincoln; and

WHEREAS, Tammy Eagle Bull is also the executive board secretary at the American Indian Council of Architects and Engineers, where she was a key member in negotiating a memorandum of understanding with the National Organization of Minority Architects, allowing the two organizations to work together; and

WHEREAS, Tammy Eagle Bull is receiving the AIA 2018 Whitney M. Young Jr. Award for her contributions to positive social change through her efforts in the preservation and respectful representation of Native American culture within tribal nation built environments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Tamara Eagle Bull for her outstanding achievements and on her recognition by the American Institute of Architects with the 2018 Whitney M. Young Jr. Award.

2. That copies of this resolution be sent to Tamara Eagle Bull and the Nebraska Chapter of the American Institute of Architects.

Laid over.

LEGISLATIVE RESOLUTION 484. Introduced by Watermeier, 1; Bolz, 29; Chambers, 11; Crawford, 45; Hughes, 44; Kuehn, 38; Larson, 40; McCollister, 20; Scheer, 19; Stinner, 48.

WHEREAS, Mary Fischer has worked for the Legislature for more than thirty-five years; and

WHEREAS, Mary has worked in the Revisor of Statutes Office for thirty of those years, including serving as Associate Revisor of Statutes for more than twenty years; and

WHEREAS, Mary provided legal counsel for Senator Gary Hannibal and the Administrative Rules and Regulations Review Committee prior to working in the Revisor of Statutes Office; and

WHEREAS, Mary has contributed her skill and talents to the legislative process by her many years of experience in drafting legislation and editing statute books; and

WHEREAS, Mary has been a valued member of the Revisor of Statutes Office and has contributed to the Legislature and the State of Nebraska by her work on legislation and the statutes of the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Mary Fischer be commended for her work for the Legislature and congratulated on her retirement.
2. That this resolution be provided to Mary in appreciation for her service.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Kuehn filed the following amendment to LB117:
AM2867

- 1 1. On page 3, strike beginning with "any" in line 22 through "of" in
- 2 line 23; and in line 30 strike "consequent to the use".

Senator Kuehn filed the following amendment to LB117:
AM2866

- 1 1. On page 2, line 8, strike "soon" and after "death" insert "within
- 2 six months".

GENERAL FILE

LEGISLATIVE BILL 194. Title read. Considered.

Committee AM2587, found on page 1315, was offered.

Senator Lindstrom withdrew his amendment, AM2792, found on page 1399, to the committee amendment.

Senator Lindstrom offered the following amendment to the committee amendment:

AM2872

(Amendments to Standing Committee amendments, AM2587)

- 1 1. Insert the following new section:
- 2 Sec. 22. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
- 3 16, 17, 18, 20, 21, and 23 of this act become operative on January 1,

- 4 2019. The other sections of this act become operative on their effective
5 date.
- 6 2. On page 2, strike beginning with "11" in line 23 through "20" in
7 line 24 and insert "10, 11, 12, 13, 15, and 19".
- 8 3. On page 3, line 24, after "receives" insert "the proceeds of".
- 9 4. On page 7, line 14, strike "AT" and insert "BEFORE".
- 10 5. On page 8, line 17, strike "on or"; and in line 26, strike "The
11 maker shall not be charged" and insert "Neither the licensee nor any
12 affiliate of the licensee shall charge the maker".
- 13 6. On page 9, line 12, after "licensee" insert ", an affiliate of
14 the licensee."; in line 13 after "or" insert "any"; and in line 14 strike
15 "a check", show as stricken, and insert "an instrument".
- 16 7. On page 10, line 27, after "licensee" insert ", affiliate of a
17 licensee".
- 18 8. On page 15, line 7, strike "to" and insert "and"; and in line 8
19 after "transactions" insert "as part of such order".
- 20 9. Renumber the remaining section accordingly.

Senator Watermeier moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Lindstrom amendment was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 47 ayes, 0 nays, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 47 ayes, 0 nays, and 2 excused and not voting.

LEGISLATIVE BILL 793. Title read. Considered.

Senator Bolz withdrew her amendments, AM2583, AM2528, AM2753, and AM2819, found on pages 1173, 1277, 1319, and 1406.

Senator Stinner offered the following amendment:
AM2871

- 1 1. Strike original section 2 and insert the following new sections:
2 Section 1. Section 68-1111, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:
4 68-1111 Sections 68-1111 to 68-1119 and section 9 of this act shall
5 be known and may be cited as the Aging and Disability Resource Center
6 ~~Demonstration Project Act~~.
- 7 Sec. 2. Section 68-1113, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:
9 68-1113 The purpose of the Aging and Disability Resource Center
10 ~~Demonstration Project Act is to evaluate the feasibility of establishing~~
11 ~~aging and disability resource centers statewide~~ to provide information

12 about long-term care services and support available in the home and
 13 community for older Nebraskans or persons with disabilities, family
 14 caregivers, and persons who request information or assistance on behalf
 15 of others and to assist eligible individuals to access the most
 16 appropriate public and private resources to meet their long-term care
 17 needs.

18 It is the intent of the Legislature that aging and disability
 19 resource centers serve as an ongoing component of Nebraska's long-term
 20 care continuum and that aging and disability resource center sites
 21 coordinate and establish partnerships as necessary with organizations
 22 specializing in serving aging persons and persons with disabilities to
 23 provide the services described in the act.

24 Sec. 3. Section 68-1114, Revised Statutes Cumulative Supplement,
 25 2016, is amended to read:

26 68-1114 For purposes of the Aging and Disability Resource Center
 27 ~~Demonstration Project~~ Act:

1 (1) Aging and disability resource center means a community-based
 2 entity established to provide information about long-term care services
 3 and support and to facilitate access to options counseling to assist
 4 eligible individuals and their representatives in identifying the most
 5 appropriate services to meet their long-term care needs;

6 (2) Area agency on aging has the meaning found in section 81-2208;

7 (3) Center for independent living has the definition found in 29
 8 U.S.C. 796a, as such section existed on January 1, 2018 ~~2015~~;

9 (4) Department means the State Unit on Aging of the Division of
 10 Medicaid and Long-Term Care of the Department of Health and Human
 11 Services or any successor agency designated by the state to fulfill the
 12 responsibilities of section 305(a)(1) of the federal Older Americans Act
 13 of 1965, 42 U.S.C 3025(a)(1), as such section existed on January 1, 2018
 14 ~~2015~~;

15 (5) Eligible individual means a person who has lost, never acquired,
 16 or has one or more conditions that affect his or her ability to perform
 17 basic activities of daily living that are necessary to live
 18 independently;

19 (6) Options counseling means a service that assists an eligible
 20 individual in need of long-term care and his or her representatives to
 21 make informed choices about the services and settings which best meet his
 22 or her long-term care needs and that uses uniform data and information
 23 collection assessments and encourages the widest possible use of
 24 community-based options to allow an eligible individual to live as
 25 independently as possible in the setting of his or her choice;

26 (7) Representative means a person designated as a legal guardian,
 27 designated by a power of attorney or a health care power of attorney, or
 28 chosen by law, by a court, or by an eligible individual seeking services,
 29 but use of the term representative shall not be construed to disqualify
 30 an individual who retains all legal and personal autonomy;

31 (8) Uniform assessment means a single standardized tool used to
 1 assess a defined population at a specific time; and

2 (9) University Center for Excellence in Developmental Disability

3 Education, Research and Service means the federally designated University
 4 Center for Excellence in Developmental Disability Education, Research and
 5 Service of the Munroe-Meyer Institute at the University of Nebraska
 6 Medical Center.

7 Sec. 4. Section 68-1115, Revised Statutes Cumulative Supplement,
 8 2016, is amended to read:

9 68-1115 The department shall award funding grants for ~~three~~ aging
 10 and disability resource centers. The department shall pursue federal
 11 matching funds as applicable and allocate such funds to the aging and
 12 disability resource centers ~~center demonstration projects. The department~~
 13 ~~shall adopt criteria for evaluating proposals to operate an aging and~~
 14 ~~disability resource center demonstration project based on the~~
 15 ~~requirements in section 68-1116 and release a request for proposals~~
 16 ~~within sixty days after August 30, 2015.~~

17 Sec. 5. Section 68-1116, Revised Statutes Cumulative Supplement,
 18 2016, is amended to read:

19 68-1116 (1) ~~The aging and disability resource centers~~
 20 ~~demonstration projects shall be established to evaluate the feasibility~~
 21 ~~of establishing aging and disability resource centers statewide as a~~
 22 means of promoting appropriate, effective, and efficient use of long-term
 23 care resources. ~~The aging and disability resource center demonstration~~
 24 ~~projects shall operate through June 30, 2018.~~

25 (2) ~~Each aging and disability resource center demonstration project~~
 26 shall provide one or more of the following services:

27 (a) ~~(4)~~ Comprehensive information on the full range of available
 28 public and private long-term care programs, options, financing, service
 29 providers, and resources within a community, including information on the
 30 availability of integrated long-term care;

31 (b) ~~Options counseling;~~

1 (c) ~~(2)~~ Assistance in accessing and applying for public benefits
 2 programs;

3 ~~(3) Options counseling;~~

4 (d) ~~(4)~~ A convenient point of entry to the range of publicly
 5 supported long-term care programs for an eligible individual;

6 (e) ~~(5)~~ A process for identifying unmet service needs in communities
 7 and developing recommendations to respond to those unmet needs;

8 (f) ~~(6)~~ Facilitation of person-centered transition support to assure
 9 that an eligible individual is able to find the services and support that
 10 are most appropriate to his or her need;

11 (g) ~~(7)~~ Mobility management to promote the appropriate use of public
 12 transportation services by a person who does not own or is unable to
 13 operate an automobile; and

14 (h) ~~(8)~~ A home care provider registry that will provide a person who
 15 needs home care with the names of home care providers and information
 16 about his or her rights and responsibilities as a home care consumer.

17 Sec. 6. Section 68-1117, Revised Statutes Cumulative Supplement,
 18 2016, is amended to read:

19 68-1117 (1) An ~~Within sixty days after the release date of a request~~
 20 ~~for proposals under section 68-1115, an area agency on aging shall~~

21 establish a partnership with one or more lead organizations that
 22 specialize in serving, ~~after consultation with a collaboration of~~
 23 ~~organizations that serve aging persons and persons with congenital and~~
 24 ~~acquired disabilities to provide services as described in subsection (2)~~
 25 ~~of section 68-1116, including, but not limited to, centers for~~
 26 ~~independent living and the University Center for Excellence in~~
 27 ~~Developmental Disability Education, Research and Service, for the purpose~~
 28 ~~of developing an aging and disability resource center plan. After~~
 29 ~~consultation with a collaboration of and with other organizations,~~
 30 ~~including, but not limited to, organizations providing advocacy,~~
 31 ~~protection, and safety for aging persons and persons with congenital and~~
 1 ~~acquired disabilities, the partnership may submit to the department a~~
 2 ~~proposal to establish an aging and disability resource center plan~~
 3 ~~demonstration project. The plan proposal shall specify how organizations~~
 4 ~~currently serving eligible individuals will be engaged in the process of~~
 5 ~~delivery of services through the aging and disability resource center~~
 6 ~~demonstration project. The proposal shall be developed in consultation~~
 7 ~~with eligible individuals and their representatives. The plan proposal~~
 8 ~~shall indicate how resources will be utilized by the collaborating~~
 9 ~~organizations to fulfill the responsibilities of an aging and disability~~
 10 ~~resource center demonstration project.~~

11 (2) Two or more area agencies on aging may develop a joint ~~proposal~~
 12 ~~to establish an aging and disability resource center plan demonstration~~
 13 ~~project to serve all or a portion of their planning-and-service areas. A~~
 14 ~~joint plan proposal shall provide information on how the services~~
 15 ~~described in section 68-1116 will be provided in the counties to be~~
 16 ~~served by the aging and disability resource center demonstration project~~
 17 ~~described in the joint proposal.~~

18 Sec. 7. Section 68-1118, Revised Statutes Cumulative Supplement,
 19 2016, is amended to read:

20 68-1118 The department shall provide ~~Within thirty days after~~
 21 ~~receipt of a proposal developed pursuant to subsection (1) or (2) of~~
 22 ~~section 68-1117, the department shall review the proposal and determine~~
 23 ~~whether the proposal is eligible for funding. The department shall select~~
 24 ~~three proposals for funding. The department shall enter into a contract~~
 25 ~~with an independent institution having experience in evaluating aging and~~
 26 ~~disability programs for an evaluation of the aging and disability~~
 27 ~~resource center demonstration projects. The contract shall require that a~~
 28 ~~report regarding evaluating the aging and disability resource centers~~
 29 ~~demonstration projects be presented to the Clerk of the Legislature prior~~
 30 ~~to December 1, of 2016, 2017, and 2018, and each December 1 thereafter.~~

31 Sec. 8. Section 68-1119, Revised Statutes Cumulative Supplement,
 1 2016, is amended to read:

2 68-1119 The department shall reimburse each area agency on aging
 3 operating an aging and disability resource center ~~demonstration project~~
 4 on a schedule agreed to by the department and the area agency on aging.
 5 Such reimbursement shall be made from (1) state funds appropriated by the
 6 Legislature, (2) federal funds allocated to the department for the
 7 purpose of establishing and operating aging and disability resource

8 centers, and (3) other funds as available.

9 Sec. 9. It is the intent of the Legislature that the costs for
10 staff, operations, and state aid necessary to carry out the Aging and
11 Disability Resource Center Act be funded from the Nebraska Health Care
12 Cash Fund for fiscal years 2018-19 and 2019-20.

13 Sec. 10. Section 71-7611, Revised Statutes Supplement, 2017, is
14 amended to read:

15 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State
16 Treasurer shall transfer (a) sixty million three hundred thousand dollars
17 on or before July 15, 2014, (b) sixty million three hundred fifty
18 thousand dollars on or before July 15, 2015, (c) sixty million three
19 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty
20 million seven hundred thousand dollars on or before July 15, 2017, (e)
21 sixty-one million six hundred thousand dollars on or before
22 July 15, 2018, (f) sixty-one million three hundred fifty thousand dollars
23 on or before July 15, 2019, and (g) ~~(f)~~ sixty million four hundred fifty
24 thousand dollars on or before every July 15 thereafter from the Nebraska
25 Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement
26 Trust Fund to the Nebraska Health Care Cash Fund, except that such amount
27 shall be reduced by the amount of the unobligated balance in the Nebraska
28 Health Care Cash Fund at the time the transfer is made. The state
29 investment officer shall advise the State Treasurer on the amounts to be
30 transferred first from the Nebraska Medicaid Intergovernmental Trust Fund
31 until the fund balance is depleted and from the Nebraska Tobacco
1 Settlement Trust Fund thereafter in order to sustain such transfers in
2 perpetuity. The state investment officer shall report electronically to
3 the Legislature on or before October 1 of every even-numbered year on the
4 sustainability of such transfers. The Nebraska Health Care Cash Fund
5 shall also include money received pursuant to section 77-2602. Except as
6 otherwise provided by law, no more than the amounts specified in this
7 subsection may be appropriated or transferred from the Nebraska Health
8 Care Cash Fund in any fiscal year.

9 The State Treasurer shall transfer ten million dollars from the
10 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on
11 June 28, 2018, and June 28, 2019.

12 It is the intent of the Legislature that no additional programs are
13 funded through the Nebraska Health Care Cash Fund until funding for all
14 programs with an appropriation from the fund during FY2012-13 are
15 restored to their FY2012-13 levels.

16 (2) Any money in the Nebraska Health Care Cash Fund available for
17 investment shall be invested by the state investment officer pursuant to
18 the Nebraska Capital Expansion Act and the Nebraska State Funds
19 Investment Act.

20 (3) The University of Nebraska and postsecondary educational
21 institutions having colleges of medicine in Nebraska and their affiliated
22 research hospitals in Nebraska, as a condition of receiving any funds
23 appropriated or transferred from the Nebraska Health Care Cash Fund,
24 shall not discriminate against any person on the basis of sexual
25 orientation.

26 (4) The State Treasurer shall transfer fifty thousand dollars on or
27 before July 15, 2016, from the Nebraska Health Care Cash Fund to the
28 Board of Regents of the University of Nebraska for the University of
29 Nebraska Medical Center. It is the intent of the Legislature that these
30 funds be used by the College of Public Health for workforce training.

31 Sec. 11. Section 83-1201, Revised Statutes Supplement, 2017, is
1 amended to read:

2 83-1201 Sections 83-1201 to 83-1227 and section 13 of this act shall
3 be known and may be cited as the Developmental Disabilities Services Act.

4 Sec. 13. (1) If the department determines that there are not enough
5 funds available to provide services to all eligible individuals under
6 subdivision (4)(d) of section 83-1216, the department shall provide day
7 services to individuals who:

8 (a) Are transitioning from an education system on or after September
9 6, 1993;

10 (b) Are at least twenty-one years of age; and

11 (c) Are determined by the department to be otherwise eligible for
12 the day services in accordance with the Developmental Disabilities
13 Services Act.

14 (2) The department shall provide services comparable to the services
15 the individual would have received pursuant to subdivision (4)(d) of
16 section 83-1216 if funds were available.

17 (3) No later than September 15 of each year, the director shall
18 provide electronic notification to the Health and Human Services
19 Committee of the Legislature and the Appropriations Committee of the
20 Legislature of the estimated number of individuals needing services under
21 subsection (4) of section 83-1216 and the net additional resources
22 necessary to provide services to all eligible individuals under
23 subsection (4) of section 83-1216 other than subdivision (e) of such
24 subsection.

25 (4) This section terminates June 30, 2021.

26 Sec. 14. There is hereby appropriated (1) \$321,182 from the
27 Nebraska Health Care Cash Fund for FY2018-19 and (2) \$321,182 from the
28 Nebraska Health Care Cash Fund for FY2019-20 to the Department of Health
29 and Human Services, for Program 33, to aid in carrying out the provisions
30 of Legislative Bill 793, One Hundred Fifth Legislature, Second Session,
31 2018.

1 Sec. 15. There is hereby appropriated (1) \$613,912 from the
2 Nebraska Health Care Cash Fund for FY2018-19 and (2) \$631,912 from the
3 Nebraska Health Care Cash Fund for FY2019-20 to the Department of Health
4 and Human Services, for Program 571, to aid in carrying out the
5 provisions of Legislative Bill 793, One Hundred Fifth Legislature, Second
6 Session, 2018.

7 No expenditures for permanent and temporary salaries and per diems
8 for state employees shall be made from funds appropriated in this
9 section.

10 Sec. 16. Sections 11, 12, 13, and 17 of this act become operative
11 three calendar months after the adjournment of this legislative session.

12 The other sections of this act become operative on their effective date.

13 Sec. 17. Original sections 83-1201 and 83-1216, Revised Statutes 14 Supplement, 2017, are repealed.

15 Sec. 18. Original sections 68-1111, 68-1113, 68-1114, 68-1115, 16 68-1116, 68-1117, 68-1118, and 68-1119, Revised Statutes Cumulative 17 Supplement, 2016, and section 71-7611, Revised Statutes Supplement, 2017, 18 are repealed.

19 Sec. 19. Since an emergency exists, this act takes effect when 20 passed and approved according to law.

21 2. Renumber the remaining section accordingly.

The Stinner amendment was adopted with 27 ayes, 6 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, 12 present and not voting, and 3 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 485. Introduced by Linehan, 39.

WHEREAS, robotics teams from Douglas County West Community Schools (DC West) have won competitions at both the state and international levels; and

WHEREAS, teams from DC West competed in the Nebraska/Iowa VEX IQ Regional Championship on March 3, 2018; and

WHEREAS, the "Mavericks", a middle school team from DC West consisting of Ted Stenglein, Levent Capan, Vernon Woodard, Jack Woodward, and Zach Uehling, upset the number one seed to win the Middle School State Championship; and

WHEREAS, "Fuzzy Wuzzy 2.0", a high school team from DC West consisting of Troy Ogden, Dillon Saathoff, Jay Goldapp, and Avery Hoffmann, finished first in the skills competition with a score of 202, placing fifth in the world; and

WHEREAS, both the Mavericks and Fuzzy Wuzzy 2.0 qualified for the VEX World Championship in Louisville, Kentucky, in April of 2018; and

WHEREAS, the Douglas County West Community Schools have started four new elementary school robotics teams, headed by Coach Kathy Maline, to ensure DC West's continued success in robotics.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Douglas County West Community Schools Middle and High School Robotics Teams on their victories at the Nebraska/Iowa VEX IQ Regional Championship.

2. That copies of this resolution be sent to Douglas County West Community Schools Superintendent Dr. Melissa Poloncic and Coaches Dan Maline and Kathy Maline.

Laid over.

LEGISLATIVE RESOLUTION 486. Introduced by Halloran, 33.

WHEREAS, Trenton Karr, a member of Crew 2099 of Blue Hill, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, Joshua Bohlke, Adam Napier, and Justin Vrooman, members of Troop 125 of Hastings, have completed the requirements for the rank of Eagle Scout; and

WHEREAS, Spencer Tessman, Johnathan Roberts, Zachary Griswold, and Christian Spurrier, members of Troop 192 of Hastings, have completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, Adam Eddy and Jonathan Zimmerman, members of Troop 207 of Hastings, have completed the requirements for the rank of Eagle Scout; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete an approved community service project; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Trenton, Joshua, Adam, Justin, Spencer, Johnathan, Zachary, Christian, Adam, and Jonathan, through their hard work and perseverance, have joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Trenton Karr, Joshua Bohlke, Adam Napier, Justin Vrooman, Spencer Tessman, Johnathan Roberts, Zachary Griswold, Christian Spurrier, Adam Eddy, and Jonathan Zimmerman on achieving the rank of Eagle Scout.

2. That copies of this resolution be sent to Trenton Karr, Joshua Bohlke, Adam Napier, Justin Vrooman, Spencer Tessman, Johnathan Roberts, Zachary Griswold, Christian Spurrier, Adam Eddy, and Jonathan Zimmerman.

Laid over.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 738. Placed on Final Reading.

LEGISLATIVE BILL 738A. Placed on Final Reading.

LEGISLATIVE BILL 776. Placed on Final Reading.

LEGISLATIVE BILL 841. Placed on Final Reading.

LEGISLATIVE BILL 902. Placed on Final Reading.

LEGISLATIVE BILL 1040. Placed on Final Reading.

ST61

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "a term" has been struck and "and redefine terms" inserted.

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Ebke filed the following amendment to LB791:
AM2880

(Amendments to Standing Committee amendments, AM2708)

- 1 1. On page 1, line 15, strike "ten" and insert "five"; in line 18
- 2 strike "a record of"; strike beginning with "misconduct" in line 19
- 3 through "agency" in line 21 and insert "officer conduct which could
- 4 constitute grounds for revocation or suspension of a law enforcement
- 5 certification by the Nebraska Commission on Law Enforcement and Criminal
- 6 Justice"; and in line 26 strike "and" and insert "or".
- 7 2. On page 2, line 13, strike "and" and insert "or".
- 8 3. On page 3, line 10, strike "Upon" and insert "Within ten calendar
- 9 days after"; and in line 28 strike "under section 81-1414".
- 10 4. On page 4, line 25, after the comma insert "the Nebraska Police
- 11 Standards Advisory Council, the Nebraska Equal Opportunity Commission";
- 12 and strike line 31 and insert the following new subdivision:
- 13 "(c) Limit the time during which a disciplinary investigation may be
- 14 initiated or discipline may be imposed to less than two years after the
- 15 occurrence of the conduct which is the subject of the investigation or
- 16 discipline:".
- 17 5. On page 5, strike lines 1 and 2.
- 18 6. On page 6, line 31, strike beginning with "any" through "state"
- 19 and insert "the Nebraska State Patrol".

VISITORS

Visitors to the Chamber were Congressman Adrian Smith from Scottsbluff; 50 fourth-grade students from Wilber-Clatonia Public Schools; and 38 fourth-grade students from Centura Public Schools, Cairo.

The Doctor of the Day was Dr. Aaron Lanik from Omaha.

ADJOURNMENT

At 5:02 p.m., on a motion by Senator Kuehn, the Legislature adjourned until 9:00 a.m., Monday, April 9, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SEVENTH DAY - APRIL 9, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****FIFTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, April 9, 2018

PRAYER

The prayer was offered by Senator Watermeier.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Briese, Harr, McCollister, Morfeld, Pansing Brooks, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-sixth day was approved.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 751. Placed on Final Reading.

LEGISLATIVE BILL 1121. Placed on Final Reading.

ST62

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 34, lines 20, 23, and 29; and page 35, line 21, "Nebraska" has been inserted before "Uniform".

LEGISLATIVE BILL 1121A. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

SELECT FILE

LEGISLATIVE BILL 861. ER121, found on page 907, was adopted.

Senator Harr withdrew his amendments, AM2426 and AM2436, found on pages 993 and 1020.

Senator Watermeier offered his amendment, AM2854, found on page 1454.

The Watermeier amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1081. ER143, found on page 1144, was adopted.

Senator Linehan offered her amendment, AM2823, found on page 1420.

The Linehan amendment was adopted with 35 ayes, 0 nays, and 14 present and not voting.

Advanced to Enrollment and Review for Engrossment.

AMENDMENT(S) - Print in Journal

Senator Kuehn filed the following amendment to LB117:
AM2876

- 1 1. Strike section 8 and all amendments thereto.
- 2 2. Renumber the remaining sections.

Senator Kuehn filed the following amendment to LB117:
AM2877

- 1 1. On page 3, line 23, after the semicolon insert "and"; strike
- 2 lines 24 through 28; and in line 29 strike "(7)" and insert "(6)".

PROPOSED RULES CHANGES

The Rules Committee offered the following proposed rules change, found on page 802, offered by Senator Scheer:

Amend Rule 2

Section 1. Rules, Matters Not Covered. (a) At the commencement of each regular session in odd-numbered years, a motion shall be offered to adopt the rules of the preceding session as temporary rules. The motion to adopt temporary rules shall require a majority vote of the members. The temporary rules shall be in effect until such time as the permanent rules are adopted which shall govern the Legislature for a period of two years. The motion to adopt permanent rules and amendments to that motion shall require a majority vote of the elected members. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

(b) In the absence of a controlling rule to cover a specific situation and in the absence of controlling custom, usage, and/or precedent, the presiding officer may utilize Mason's Manual of Legislative Procedure as authority.

The Rules Committee offered the following amendment to the proposed rules change, found on page 803, offered by Senator Watermeier:

Strike the original Rule 10 and insert the following:

**RULE 10 – ELECTION CONTESTS AND
QUALIFICATIONS CHALLENGES**

Section 1. Committee Selection. (a) Each qualifications challenge and election contest shall be filed with the Clerk of the Legislature ~~shall be referred by the Clerk of the Legislature.~~ Within seven days of filing, the Clerk of the Legislature shall refer the qualifications challenge or election contest to the Executive Board of the Legislative Council, who in turn shall refer the matter to a specially created committee to consider such challenge. The committee shall consist of ~~seven members appointed~~ members appointed by the Executive Board of the Legislative Council. The specially created committee shall have no fewer than 5 members and no more than 9 members.

(b) The special committee may adopt rules to govern election contests and qualifications challenges, provided that such committee rules shall be consistent with the Constitution, Nebraska statutes, and the Legislative Rules of the Nebraska Legislature ~~and s~~Such adopted rules shall be filed with the Clerk within twenty-four hours of adoption and shall be made available to all parties and to the public.

(c) The committee shall give notice of all rules, timetables, or deadlines adopted by the committee. Notice under this subsection shall be in writing and shall be given either personally with receipt or by certified mail (return receipt requested) addressed to the party at his or her place of residence. If a party is represented by counsel, such notice shall also be given to his or her attorney of record.

Sec. 2. Contests and Challenges - Due Process. (a) Election contests and qualifications challenges shall be heard and determined in accordance with the applicable provisions of the Rules of the Legislature, Nebraska statutes, the Nebraska Constitution, and the United States Constitution. Judicial decisions which bear on a point of law in a contest or challenge shall be admissible in the arguments of the parties and the deliberations and decisions of the committee. Judicial decisions applicable to a point of law or to a fact situation to the committee shall be given weight as precedent.

(b) The committee shall ensure that the parties have due process, including that is met if the respondent member received notice of the challenge and each party had a reasonable opportunity to present his or her claim, any

defense and arguments, and to respond to those of his or her opponent. If the parties submitted a brief and had an opportunity to respond to the opposing party's brief, a hearing is not required ~~to meet due process requirements~~. The Committee may nonetheless hold a hearing if the Committee so chooses.

(c) All parties may be represented by counsel.

Sec. 3. Discovery in Contests and Challenges. (a) Discovery may commence in an election contest or qualifications challenge as soon as a response is filed by the respondent member or eleven calendar days after a petition is filed under the Legislative Qualifications and Election Contests Act, whichever occurs sooner. Either party to a petition may obtain discovery regarding any matter which is not privileged and is relevant to the particular grounds stated in the petition or response.

(b) Discovery shall be conducted in any manner permitted by the rules of discovery for civil cases adopted by the Supreme Court.

~~(c) If an unresolved discovery or record dispute exists and continues between the parties to a petition or between a party and another person, a party may request a ruling on the dispute from the chairperson of the committee.~~

~~(c)(d)~~ No testimony shall be received in the taking of depositions or by the Legislature which does not relate to the points specified in the petition.

~~(d)(e)~~ Discovery materials shall be filed with the Clerk of the Legislature only when ordered by the committee or when required by law or these rules.

Sec. 4. Discovery in Qualifications Challenges. (a) A party to a petition to challenge qualifications shall respond to a discovery request under section 21 of this act within ~~seven~~ four calendar days after receipt of the request or by the ~~fourteenth~~ seventeenth calendar day after the Legislature convenes the regular legislative session following the general election, whichever is sooner. A person who is not a party to the petition shall respond to a discovery request under section 21 of this act within seven calendar days after receipt of the request or by the ~~fourteenth~~ seventeenth calendar day after the Legislature convenes the regular legislative session following the general election, whichever is sooner.

(b) The chairperson of the committee may grant additional time to respond to a discovery request if he or she finds good cause for additional time to be granted. ~~The chairperson shall not grant more than seven calendar days of additional time beyond the initial time period to respond.~~

(c) If an unresolved discovery or record dispute exists and continues between the parties to a petition or between a party and another person, a party may request a ruling on the dispute from the chairperson of the committee.

(d)(e) All discovery, including responses to discovery, shall be completed by the ~~fourteenth~~ seventeenth calendar day after the Legislature convenes the regular legislative session following the general election. The petitioner or respondent member shall not be granted any additional time after such deadline to conduct discovery unless additional time is granted pursuant to subsection (b) of this section.

Sec. 5. Submission of Discovery Record and Briefs in Contests and ChallengesQualifications Challenges. (a) The petitioner and respondent member shall each file a brief with the Clerk of the Legislature which outlines the party's claims or defenses, relevant legal authority and legislative precedent, and proposed form of relief. The briefs shall be filed with the Clerk of the Legislature and served on the opposing party within ~~seven~~ five calendar days after the final date for conducting discovery.

(b) A party may file a response to the opposing party's brief which addresses the issues raised in the opposing party's brief. The response shall be filed with the Clerk of the Legislature and served upon the opposing party within ~~five~~ seven calendar days after receipt of the opposing party's brief.

(c) Each party shall submit any proof or evidence, including, but not limited to, depositions, affidavits, and documents, that the party desires the committee to consider in judging the qualifications of the respondent member to the Clerk of the Legislature within ~~five~~ seven calendar days after receipt of the opposing party's brief. Only proof of issues raised in the initial petition or amendments to the petition or in the response to the initial petition or amendments to the petition may be submitted for consideration by the Legislature.

Sec. 6. Committee Proceedings and Powers in Contests and Challenges.

(a) The committee shall consider the qualifications challenge within fourteen calendar days after the deadline for which the parties have to submit discovery materials to the committee.

(b) The committee shall resolve the election contest or qualifications challenge as expeditiously as possible.

(c) Upon meeting and considering the record and arguments of the petitioner and respondent member, the committee may dismiss a petition filed under the Legislative Qualifications and Election Contests Act or may conduct a further inquiry as permitted by the Rules of the Nebraska Unicameral Legislature.

(d) All proceedings of the committee concerning election contests and qualifications challenges may be recorded and transcribed. Copies of the transcript shall be made available to the members of the committee and to the parties.

(e) In conducting inquiries, investigations, and recounts in election contests, and qualifications challenges, the committee shall have the subpoena power to compel the attendance of witnesses, ~~and the production of books, papers, ballots, documents, and/or other records,~~ by a subpoena signed by the chairperson of the committee as provided by Rule 3, Section 21. In conducting proceedings in election contests and qualifications challenges, the committee may utilize the legislative powers to gather information as provided by Rule 3, Section 21. At any point during the election contest or qualifications challenge, the committee may require the parties to submit a brief to the committee on any issue relevant to the matter.

(f) The committee shall maintain a record of proceedings in every election contest and qualifications challenge. Such record shall include all notices and pleadings, roll call votes, all reports and dissents, and all documents which were admitted into the proceeding. The committee shall file the record with the Clerk of the Legislature upon the adoption of its final report. The record shall then be available for examination in the ~~Clerk of the Legislature's Office~~ Clerk's office.

(g) With the approval of the Executive Board, the committee may employ staff assistants to include clerks, court reporters, professional staff, and other personnel as deemed necessary.

Sec. 7. Adoption of Reports in Contests and Challenges. (a) All final decisions of the committee regarding an election contest or qualification challenge shall be approved by a majority of the members of the committee. Such decisions shall be reported in writing to the Legislature. Reports shall include a specific recommendation to the Legislature as to the disposition of the contest or challenge.

(b) Any member of the committee may file a dissent from a report of the committee, a minority report, or a special concurrence with the majority report or with any minority report.

(c) Reports of the committee shall be filed with the Clerk of the Legislature, printed and placed on the members' desks, along with any dissents, minority reports, or special concurrences. The report shall be listed on the agenda under the heading "Report of Election Contest" or "Report of Qualifications Challenge." The report as filed with the Clerk, shall not be considered for two legislative days prior to any consideration by the Legislature.

(d) The Legislature shall adopt the majority report or a minority report in an election contest or qualifications challenge or shall refuse to adopt any report filed and rerefer the contest or challenge to the committee for further proceedings or for a modified report. Reports as filed by the committee are not amendable. If the Legislature fails to adopt a report, the matter shall automatically be rereferred to committee for further consideration.

SELECT FILE

LEGISLATIVE BILL 1081A. Senator Groene withdrew his amendment, AM2756, found on page 1345.

Senator Groene offered the following amendment:
AM2884

1 1. On page 2, line 5, strike "15,896,270" and insert "15,951,270";
2 and in line 10 strike "41,404,547" and insert "41,459,547".

The Groene amendment was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1089. ER159, found on page 1311, was adopted.

Senator Smith withdrew his amendment, AM2779, found on page 1371.

Senator Smith offered his amendment, AM2806, found on page 1390.

The Smith amendment was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 994. ER158, found on page 1311, was adopted.

Senator Friesen offered his amendment, AM2799, found on page 1420.

The Friesen amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 994A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1115. Title read. Considered.

Committee AM2664, found on page 1167, was offered.

Senator Murante offered his amendment, AM2698, found on page 1306, to the committee amendment.

Senator Morfeld offered the following motion:
MO335
Bracket until April 18, 2018.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 449. Placed on Select File with amendment.
ER179

1 1. On page 1, strike beginning with "amend" in line 1 through
2 "section" in line 4 and insert "repeal the Black-Tailed Prairie Dog
3 Management Act".

LEGISLATIVE BILL 194. Placed on Select File with amendment.
ER180 is available in the Bill Room.

LEGISLATIVE BILL 793. Placed on Select File with amendment.
ER181

1 1. On page 1, strike beginning with "developmental" in line 1
2 through line 4 and insert "public health and welfare; to amend sections
3 68-1111, 68-1113, 68-1114, 68-1115, 68-1116, 68-1117, 68-1118, and
4 68-1119, Revised Statutes Cumulative Supplement, 2016, and sections
5 71-7611, 83-1201, and 83-1216, Revised Statutes Supplement, 2017; to
6 rename the Aging and Disability Resource Center Demonstration Project
7 Act; to state and restate intent; to redefine terms; to provide for
8 establishment of aging and disability resource centers; to provide powers
9 and duties; to require reports; to eliminate provisions relating to
10 grants and references to aging and disability resource center
11 demonstration projects; to change transfer provisions for the Nebraska
12 Health Care Cash Fund; to change provisions relating to the provision of
13 services under the Developmental Disabilities Services Act; to provide a
14 termination date; to harmonize provisions; to appropriate funds; to
15 provide operative dates; to repeal the original sections; and to declare
16 an emergency."

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB989:
AM2894

(Amendments to AM2787)

1 1. On page 2, line 27; and page 3, line 18, after the comma insert
2 "including, but not limited to, safely negotiating railroad crossings".
3 2. On page 2, line 28; and page 3, line 19, after "department"
4 insert ". The department shall consult with the railroad companies
5 operating in this state when seeking an exemption that affects vehicle
6 operations at railroad crossings".

Senator Pansing Brooks filed the following amendment to LB845:
AM2868

1 1. Strike original section 3 and insert the following new sections:
2 Section 1. Section 42-1301, Revised Statutes Supplement, 2017, is

3 amended to read:

4 ~~42-1301~~ For purposes of sections 1 to 13 of this act 42-1301 to
 5 ~~42-1304~~:

6 (1) Adult child means an individual who is at least nineteen years
 7 of age and who is related to a resident biologically, through adoption,
 8 through the marriage or former marriage of the resident to the biological
 9 parent of the adult child, or by a judgment of parentage entered by a
 10 court of competent jurisdiction;

11 (2) Caregiver means a guardian, a designee under a power of attorney
 12 for health care, or another person or entity denying visitation access
 13 between a family member petitioner and a resident;

14 (3) ~~(2)~~ Family member petitioner means the spouse, adult child,
 15 adult grandchild, parent, grandparent, sibling, aunt, uncle, niece,
 16 nephew, cousin, or domestic partner of a resident;

17 (4) Guardian ad litem has the definition found in section 30-2601;

18 (5) Isolation has the definition found in section 28-358.01;

19 (6) ~~(3)~~ Resident means an adult resident of:

20 (a) A health care facility as defined in section 71-413; or

21 (b) Any home or other residential dwelling in which the resident is
 22 receiving care and services from any person; ~~and~~

23 (7) ~~(4)~~ Visitation means an in-person meeting or any telephonic,
 24 written, or electronic communication; ~~and~~ -

25 (8) Visitor means a person appointed pursuant to section 30-2619.01.

26 Sec. 2. Section 42-1302, Revised Statutes Supplement, 2017, is

27 amended to read:

1 ~~42-1302 (1)~~ It is the intent of the Legislature that, in order to
 2 allow family member petitioners ~~members~~ to remain connected, a caregiver
 3 may not arbitrarily deny visitation to a family member petitioner of a
 4 resident, whether or not the caregiver is related to such family member
 5 petitioner, unless such action is authorized by a nursing home
 6 administrator pursuant to section 71-6021.

7 ~~(2) If a family member is being denied visitation with a resident,~~
 8 ~~the family member may petition the county court to compel visitation with~~
 9 ~~the resident. If the resident has been appointed a guardian under the~~
 10 ~~jurisdiction of a county court in Nebraska, the petition shall be filed~~
 11 ~~in the county court having such jurisdiction. If there is no such~~
 12 ~~guardianship, the petition shall be filed in the county court for the~~
 13 ~~county in which the resident resides. The court may not issue an order~~
 14 ~~compelling visitation if the court finds any of the following:~~

15 (a) The resident, while having the capacity to evaluate and
 16 communicate decisions regarding visitation, expresses a desire to not
 17 have visitation with the petitioner; or

18 (b) Visitation between the petitioner and the resident is not in the
 19 best interests of the resident.

20 Sec. 3. (1) If a family member petitioner is being denied
 21 visitation with a resident, the family member petitioner may petition the
 22 county court to compel visitation with the resident. If a guardian has
 23 been appointed for the resident under the jurisdiction of a county court,
 24 the petition shall be filed in the county court having such jurisdiction.
 25 If there is no such guardianship, the petition shall be filed in the
 26 county court for the county in which the resident resides. The court may

27 not issue an order compelling visitation if the court finds any of the
28 following:

29 (a) The resident, while having the capacity to evaluate and
30 communicate decisions regarding visitation, expresses a desire to not
31 have visitation with the family member petitioner; or

1 (b) Visitation between the family member petitioner and the resident
2 is not in the best interests of the resident.

3 (2) In determining whether visitation between the family member
4 petitioner and the resident has been arbitrarily denied, the court may
5 consider factors including, but not limited to:

6 (a) The nature of relationship of the family member petitioner and
7 resident;

8 (b) The place where visitation rights will be exercised;

9 (c) The frequency and duration of the visits;

10 (d) The likely effect of visitation on resident; and

11 (e) The likelihood of onerously disrupting established lifestyle of
12 resident.

13 Sec. 4. Section 42-1303, Revised Statutes Supplement, 2017, is
14 amended to read:

15 ~~42-1303~~ If the petition filed pursuant to section 3 of this act
16 ~~42-1302~~ states that the resident's health is in significant decline or
17 that the resident's death may be imminent, the court shall conduct an
18 emergency hearing on the petition as soon as practicable and in no case
19 later than ten days after the date the petition is served upon the
20 resident and the caregiver. Each party to a contested proceeding for an
21 emergency order relating to visitation under this section shall offer a
22 verified information affidavit as an exhibit at the hearing before the
23 court. If the allegations made under this section to request an emergency
24 hearing are not made with probable cause, the court may order appropriate
25 remedies under section 5 of this act. Temporary orders may be issued in
26 the same manner as provided for guardianships. Temporary orders shall
27 expire ninety days after the entry of the temporary order unless good
28 cause is shown for continuation filed with the court.

29 Sec. 5. Section 42-1304, Revised Statutes Supplement, 2017, is
30 amended to read:

31 ~~42-1304~~ (1) Upon a motion by a party or upon the court's own
1 motion, if the court finds during a hearing pursuant to section 4 of this
2 act ~~42-1303~~ that a person is knowingly isolating the resident from
3 visitation by a family member petitioner, the court may order such person
4 to pay court costs and reasonable attorney's fees of the family member
5 petitioner and may order other appropriate remedies.

6 (2) No costs, fees, or other sanctions may be paid from the
7 resident's finances or estate.

8 (3) If the court determines that the family member petitioner did
9 not have probable cause for filing the petition, the court may order the
10 family member petitioner to pay court costs and reasonable attorney's
11 fees of the other parties and may order other appropriate remedies.

12 (4) Remedies may include the payment of the fees and costs of a
13 visitor or a guardian ad litem.

14 (5) An order may be entered prohibiting the family member petitioner
15 from filing another petition under sections 1 to 13 of this act in any

16 court in this state for any period of time determined appropriate by the
17 court for up to one year.

18 Sec. 6. (1) Any action under sections 1 to 13 of this act shall be
19 commenced by filing in the county court a verified petition described in
20 section 3 of this act. The family member petitioner shall include, if
21 reasonably ascertainable under oath, the places where the resident has
22 resided and the names and present addresses of the persons with whom the
23 resident has lived during the previous five years. The petition shall
24 include a statement under oath identifying whether:

25 (a) The family member petitioner has participated as a party, as a
26 witness, or in any other capacity or in any other proceeding concerning
27 custody or visitation with the resident and if so, identify the court,
28 the case number, and the date of any order which may affect visitation;

29 (b) The family member petitioner knows of any proceeding that could
30 affect the current proceeding relating to domestic violence, a protective
31 order, termination of parental rights, adoption, guardianship,
1 conservatorship, or habeas corpus or any other civil or criminal
2 proceeding, and if so, identify the court, the case number, and the date
3 of any order which may affect visitation;

4 (c) The family member petitioner knows the name and address of any
5 person not a party to the proceeding who has physical custody of, is
6 residing with, or is providing residential services to the resident and
7 if so, the name and address of such person;

8 (d) The resident needs a guardian ad litem or a visitor appointed;

9 (e) Any other state would have jurisdiction under the Nebraska
10 Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act;

11 (f) A bond or probation condition exists which would affect the
12 case; and

13 (g) The family member petitioner has filed petitions under section 3
14 of this act within the preceding five years and if so, the court, the
15 case number, and the date of any order resolving the prior petitions.

16 (2) Any matters which may be confidential under court rule or
17 statute shall be filed as a confidential document for review by the court
18 as to whether such matters shall remain filed as confidential matters.

19 (3) If the information required by subsection (1) of this section is
20 not furnished, the court, upon the motion of a party or its own motion,
21 may stay the proceeding until the information is furnished.

22 Sec. 7. Any proceeding involving a guardianship, conservatorship,
23 power of attorney for health care decisions, or power of attorney granted
24 by the resident may continue in the trial court while an appeal is
25 pending from an order granted under sections 1 to 13 of this act.

26 Sec. 8. At any point in a proceeding under sections 1 to 13 of this
27 act, the court may appoint a guardian ad litem or a visitor.

28 Sec. 9. (1) Jurisdiction under sections 1 to 13 of this act applies
29 to any resident who is in this state or for whom the provisions of
30 Nebraska Uniform Adult Guardianship and Protective Proceedings
31 Jurisdiction Act vests authority over such resident in the courts of this
1 state in a guardianship.

2 (2) Venue shall be determined pursuant to section 30-2212 and
3 section 3 of this act.

4 (3) The Supreme Court shall have the authority pursuant to section

5 30-2213 to establish rules to carry into effect the provisions of
6 sections 1 to 13 of this act.

7 (4) The notice provisions of section 30-2220 shall apply to a
8 proceeding under sections 1 to 13 of this act.

9 (5) When final orders relating to proceedings under sections 1 to 13
10 of this act are on appeal and such appeal is pending, the court that
11 issued such orders shall retain jurisdiction to provide for such orders
12 regarding visitation or other access or to prevent irreparable harm
13 during the pendency of such appeal or other appropriate orders in aid of
14 the appeal process. Such orders shall not be construed to prejudice any
15 party on appeal.

16 Sec. 10. Any order that is not intended as interlocutory or
17 temporary under sections 1 to 13 of this act shall be a final, appealable
18 order. Such order may be appealed to the Court of Appeals in the same
19 manner as an appeal from the district court directly to the Court of
20 Appeals. The Court of Appeals shall conduct its review in an expedited
21 manner and shall render its judgment and write its opinion, if any, as
22 speedily as possible. The court may modify an existing order granting
23 such visitation upon a showing that there has been a material change in
24 circumstances which justifies such modification and that the modification
25 would serve the best interests of the resident.

26 Sec. 11. In a proceeding under sections 1 to 13 of this act, the
27 court may examine any medical evidence in camera or issue any protective
28 discovery orders needed to comply with the provisions of federal Health
29 Insurance Portability and Accountability Act of 1996, any regulations
30 promulgated under such federal act, or any other provision of law.

31 Sec. 12. If the court enters a visitation order in a proceeding
1 under sections 1 to 13 of this act, it may set out a visitation schedule
2 including the time, place, and manner of visitation. Failure to comply
3 with the order may be the subject of a civil contempt proceeding and may
4 be subject to remedies under section 5 of this act. The court may provide
5 for an expiration date or a review date in its order, and such a
6 provision does not affect the appealability of an order under section 10
7 of this act.

8 Sec. 13. In a proceeding under sections 1 to 12 of this act, the
9 burden of proof is upon the family member petitioner to establish his or
10 her case by a preponderance of the evidence.

11 Sec. 14. Section 30-1601, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 30-1601 (1) In all matters arising under the Nebraska Probate Code
14 and in all matters in county court arising under the Nebraska Uniform
15 Trust Code, appeals may be taken to the Court of Appeals in the same
16 manner as an appeal from district court to the Court of Appeals.

17 (2) An appeal may be taken by any party and may also be taken by any
18 person against whom the final judgment or final order may be made or who
19 may be affected thereby.

20 (3) When the appeal is by someone other than a personal
21 representative, conservator, trustee, guardian, or guardian ad litem, the
22 appealing party shall, within thirty days after the entry of the judgment
23 or final order complained of, deposit with the clerk of the county court
24 a supersedeas bond or undertaking in such sum as the court shall direct,

25 with at least one good and sufficient surety approved by the court,
26 conditioned that the appellant will satisfy any judgment and costs that
27 may be adjudged against him or her, including costs under subsection (6)
28 of this section, unless the court directs that no bond or undertaking
29 need be deposited. If an appellant fails to comply with this subsection,
30 the Court of Appeals on motion and notice may take such action, including
31 dismissal of the appeal, as is just.

1 (4) The appeal shall be a supersedeas for the matter from which the
2 appeal is specifically taken, but not for any other matter. In appeals
3 pursuant to sections 30-2601 to 30-2661, upon motion of any party to the
4 action, the county court may remove the supersedeas or require the
5 appealing party to deposit with the clerk of the county court a bond or
6 other security approved by the court in an amount and conditioned in
7 accordance with sections 30-2640 and 30-2641. Once the appeal is
8 perfected, the court having jurisdiction over the appeal may, upon motion
9 of any party to the action, reimpose or remove the supersedeas or require
10 the appealing party to deposit with the clerk of the court a bond or
11 other security approved by the court in an amount and conditioned in
12 accordance with sections 30-2640 and 30-2641. Upon motion of any
13 interested person or upon the court's own motion, the county court may
14 appoint a special guardian or conservator pending appeal despite any
15 supersedeas order.

16 (5) The judgment of the Court of Appeals shall not vacate the
17 judgment in the county court. The judgment of the Court of Appeals shall
18 be certified without cost to the county court for further proceedings
19 consistent with the determination of the Court of Appeals.

20 (6) If it appears to the Court of Appeals that an appeal was taken
21 vexatiously or for delay, the court shall adjudge that the appellant
22 shall pay the cost thereof, including an attorney's fee, to the adverse
23 party in an amount fixed by the Court of Appeals, and any bond required
24 under subsection (3) of this section shall be liable for the costs. In a
25 proceeding under sections 1 to 13 of this act, the Court of Appeals may
26 also order remedies under section 5 of this act.

27 Sec. 15. Section 30-2201, Reissue Revised Statutes of Nebraska, is
28 amended to read:
29 30-2201 Sections 30-401 to 30-406, 30-2201 to 30-2902, 30-3901 to
30 30-3923, 30-4001 to 30-4045, and 30-4201 to 30-4210 and sections 1 to 13
31 of this act and the Public Guardianship Act shall be known and may be
1 cited as the Nebraska Probate Code.

2 Sec. 18. Original sections 30-1601, 30-2201, and 42-364, Reissue
3 Revised Statutes of Nebraska, and sections 42-1301, 42-1302, 42-1303, and
4 42-1304, Revised Statutes Supplement, 2017, are repealed.

5 2. Renumber the remaining sections accordingly.

Senator Wishart filed the following amendment to LB989:
AM2896

1 1. Insert the following new section:

2 Sec. 2. Since an emergency exists, this act takes effect when
3 passed and approved according to law.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator Hilgers name added to LB738.
Senator Hilgers name added to LB1040.

VISITORS

Visitors to the Chamber were 30 fourth-grade students from Elmwood Murdock Elementary; 14 winning art students, teachers, and sponsors from Casetellar Elementary, Gomez Heritage Elementary, and R.M. Marrs Magnet School in Omaha; and 20 fourth-grade students and teachers from St. Joan of Arc School, Omaha.

RECESS

At 11:54 a.m., on a motion by Senator Kuehn, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Chambers, Groene, Howard, McCollister, Morfeld, Watermeier, and Wayne who were excused until they arrive.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 861. Placed on Final Reading.

ST63

The following changes, required to be reported for publication in the Journal, have been made:

1. The E & R amendments, ER121, have been struck.
2. On page 1, the matter beginning with "require" in line 1 through line 2 has been struck and "authorize claims to the state for certain prosecution costs as prescribed; to define terms; to provide powers and duties for the Risk Manager; and to provide for applicability." inserted.

(Signed) Anna Wishart, Chairperson

GENERAL FILE

LEGISLATIVE BILL 989. Senator Friesen offered his motion, MO324, found on page 1423, to recommit to the Transportation and Telecommunications Committee.

The Friesen motion to recommit to committee failed with 14 ayes, 16 nays, 16 present and not voting, and 3 excused and not voting.

Senator Friesen withdrew his amendment, AM2828, found on page 1423.

Senator Friesen offered the following amendment to the committee amendment:

AM2881

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. For purposes of sections 1 to 8 of this act, the

4 following definitions apply:

5 (1) Automated driving system means the hardware and software that
6 are collectively capable of performing the entire dynamic driving task on
7 a sustained basis regardless of whether it is limited to a specific
8 operational design domain, if any;

9 (2) Automated driving system-equipped vehicle means a motor vehicle
10 equipped with an automated driving system;

11 (3) Conventional human driver means a human person who manually
12 exercises in-vehicle braking, accelerating, steering, and transmission
13 gear selection input devices in order to operate a motor vehicle;

14 (4) Driverless-capable vehicle means a motor vehicle equipped with
15 an automated driving system capable of performing all aspects of the
16 dynamic driving task within its operational design domain, if any,
17 including achieving a minimal risk condition, without any intervention or
18 supervision by a conventional human driver;

19 (5) Department means the Department of Motor Vehicles;

20 (6) Dynamic driving task means all of the real-time operational and
21 tactical functions required to operate a motor vehicle within its
22 specific operational design domain, if any, excluding the strategic
23 functions such as trip scheduling and selection of destinations and
24 waypoints;

25 (7) Minimal risk condition means a reasonably safe state to which an
26 automated driving system brings an automated driving system-equipped
27 vehicle upon experiencing a performance-related failure of the vehicle's
1 automated driving system that renders the vehicle unable to perform the
2 entire dynamic driving task, such as bringing the vehicle to a complete
3 stop and activating the hazard lamps;

4 (8) On-demand driverless-capable vehicle network means a
5 transportation service network that uses a software application or other
6 digital means to dispatch driverless-capable vehicles for purposes of
7 transporting persons, including for-hire transportation, transportation
8 for compensation, and public transportation; and

9 (9) Operational design domain means a description of the specific
10 operating domain in which an automated driving system is designed to
11 properly operate, including, but not limited to, roadway types, speed
12 range, environmental conditions such as weather and time of day, and
13 other domain constraints.

14 Sec. 2. A driverless-capable vehicle may operate on the public
15 roads of this state without a conventional human driver physically
16 present in the vehicle, as long as the vehicle meets the following
17 conditions:

18 (1) The vehicle is capable of achieving a minimal risk condition if
19 a malfunction of the automated driving system occurs that renders the
20 system unable to perform the entire dynamic driving task within its
21 intended operational design domain, if any;

22 (2) While in driverless operation, the vehicle is capable of
23 operating in compliance with the applicable traffic and motor vehicle
24 safety laws and regulations of this state that govern the performance of
25 the dynamic driving task, unless an exemption has been granted by the
26 department; and

27 (3) When required by federal law, the vehicle has been certified in
28 accordance with federal regulations in 49 C.F.R. part 567, as such part
29 existed on January 1, 2018, as being in compliance with applicable
30 federal motor vehicle safety standards and the vehicle bears the required
31 certification label or labels including reference to any exemption
1 granted under applicable federal law.

2 Sec. 3. (1) Notwithstanding any other provision of law, the
3 operation on the public roads of this state of an automated driving
4 system-equipped vehicle capable of performing the entire dynamic driving
5 task within its operational design domain while a conventional human
6 driver is present is lawful. Such operation shall be subject to the
7 Nebraska Rules of the Road, as applicable. In addition, the conventional
8 human driver shall be licensed as required under the Motor Vehicle
9 Operator's License Act, shall remain subject to the Nebraska Rules of the
10 Road, shall operate the automated driving system-equipped vehicle
11 according to the manufacture's requirements and specifications, and shall
12 regain manual control of the vehicle upon the request of the automated
13 driving system.

14 (2) The automated driving system feature, while engaged, shall be
15 designed to operate within its operational design domain in compliance
16 with the Nebraska Rules of the Road, unless an exemption has been granted
17 by the department.

18 Sec. 4. Before an automated driving system-equipped vehicle may
19 operate on the public roads of this state, a person shall submit proof of
20 financial responsibility satisfactory to the department that the
21 automated driving system-equipped vehicle is covered by insurance or
22 proof of self-insurance that satisfies the requirements of the Motor
23 Vehicle Safety Responsibility Act.

24 Sec. 5. (1) Notwithstanding any other provision of law, a person
25 may operate an on-demand driverless-capable vehicle network. Such a
26 network may provide transportation of persons, including:

27 (a) For-hire transportation, including transportation for multiple
28 passengers who agree to share the ride in whole or in part; and
29 (b) Public transportation.
30 (2) An on-demand driverless-capable vehicle network may connect
31 passengers to driverless-capable vehicles either (a) exclusively or (b)
1 as part of a digital network that also connects passengers to human
2 drivers who provide transportation services, consistent with applicable
3 law, in vehicles that are not driverless-capable vehicles.
4 Sec. 6. Subject to section 2 of this act, the Nebraska Rules of the
5 Road shall not be construed as requiring a conventional human driver to
6 operate a driverless-capable vehicle that is being operated by an
7 automated driving system, and the automated driving system of such
8 vehicle, when engaged, shall be deemed to fulfill any physical acts
9 required of a conventional human driver to perform the dynamic driving
10 task.
11 Sec. 7. In the event of a crash or collision:
12 (1) The automated driving system-equipped vehicle shall remain on
13 the scene of the crash or collision and otherwise comply with sections
14 60-696 to 60-698; and
15 (2) The owner of the automated driving system-equipped vehicle, if
16 capable, or a person on behalf of the automated driving system-equipped
17 vehicle owner, shall report any crash or collision as required by section
18 60-698.
19 Sec. 8. (1) Automated driving system-equipped vehicles and
20 automated driving systems are governed exclusively by sections 1 to 8 of
21 this act. The department is the sole and exclusive state agency that may
22 implement sections 1 to 8 of this act.
23 (2) The state or any political subdivision shall not impose
24 requirements, including performance standards, specific to the operation
25 of automated driving system-equipped vehicles, automated driving systems,
26 or on-demand driverless-capable vehicle networks in addition to the
27 requirements of sections 1 to 8 of this act.
28 (3) The state or any political subdivision thereof shall not impose
29 a tax or other requirements on an automated driving system-equipped
30 vehicle, an automated driving system, or an on-demand driverless-capable
31 vehicle network, where such tax or other requirements relate specifically
1 to the operation of automated driving system-equipped vehicles.

Senator Friesen moved for a call of the house. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Senator Wishart requested a roll call vote, in reverse order, on the Friesen amendment.

Voting in the affirmative, 20:

Albrecht	Brewer	Erdman	Harr	Lowe
Baker	Briese	Friesen	Krist	Stinner
Bostelman	Chambers	Groene	Kuehn	Watermeier
Brasch	Clements	Halloran	Linehan	Williams

Voting in the negative, 26:

Blood	Hilgers	Larson	Quick	Wayne
Bolz	Hilkemann	Lindstrom	Riepe	Wishart
Crawford	Howard	McDonnell	Scheer	
Ebke	Hughes	Morfeld	Schumacher	
Geist	Kolowski	Murante	Thibodeau	
Hansen	Kolterman	Pansing Brooks	Walz	

Present and not voting, 3:

McCollister	Smith	Vargas
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The Friesen amendment lost with 20 ayes, 26 nays, and 3 present and not voting.

The Chair declared the call raised.

Senator Friesen offered the following amendment to the committee amendment:

AM2879 is available in the Bill Room.

Senator Friesen asked unanimous consent to withdraw his amendment, AM2879, found in this day's Journal, and replace it with his substitute amendment, AM2892, to the committee amendment.

AM2892 is available in the Bill Room.

Senator Wishart objected.

Senator Friesen offered the following motion:

MO337

Withdraw AM2879 and substitute AM2892.

Senator Friesen moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Senator Friesen requested a roll call vote on the motion to substitute his amendment.

Voting in the affirmative, 12:

Bostelman	Briese	Friesen	Kuehn
Brasch	Chambers	Halloran	Lowe
Brewer	Erdman	Hughes	Schumacher

Voting in the negative, 33:

Albrecht	Groene	Kolterman	Murante	Thibodeau
Baker	Hansen	Krist	Pansing Brooks	Vargas
Blood	Harr	Larson	Quick	Watermeier
Bolz	Hilgers	Linehan	Riepe	Williams
Crawford	Hilkemann	McCollister	Scheer	Wishart
Ebke	Howard	McDonnell	Smith	
Geist	Kolowski	Morfeld	Stinner	

Present and not voting, 4:

Clements	Lindstrom	Walz	Wayne
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The Friesen motion to substitute his amendment failed with 12 ayes, 33 nays, and 4 present and not voting.

Senator Friesen offered his amendment, AM2879, found in this day's Journal, to the committee amendment.

Senator Friesen offered the following motion:

MO338

Suspend Rule 7, Sec. 3(d) to permit consideration of AM2879.

Senator Kolowski moved the previous question. The question is, "Shall the debate now close?"

Senator Wishart moved for a call of the house. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

Senator Wishart requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 34:

Albrecht	Groene	Kolterman	Morfeld	Smith
Baker	Hansen	Krist	Murante	Stinner
Blood	Harr	Larson	Pansing Brooks	Thibodeau
Bolz	Hilgers	Lindstrom	Quick	Walz
Crawford	Hilkemann	Linehan	Riepe	Williams
Ebke	Howard	McCollister	Scheer	Wishart
Geist	Kolowski	McDonnell	Schumacher	

Voting in the negative, 12:

Bostelman	Briese	Friesen	Kuehn
Brasch	Clements	Halloran	Lowe
Brewer	Erdman	Hughes	Watermeier

Present and not voting, 2:

Chambers Vargas

Excused and not voting, 1:

Wayne

The motion to cease debate prevailed with 34 ayes, 12 nays, 2 present and not voting, and 1 excused and not voting.

The Friesen motion to suspend the rules failed with 10 ayes, 29 nays, and 10 present and not voting.

The Chair declared the call raised.

Senator Smith offered the following amendment to the committee amendment:

AM2890

(Amendments to AM2787)

- 1 1. On page 2, line 27; and page 3, line 18, after the comma insert
- 2 "including, but not limited to, safely negotiating railroad crossings.".
- 3 2. On page 2, line 28; and page 3, line 19, after "department"
- 4 insert ". The department shall consult with the railroad companies
- 5 operating in this state when seeking an exemption that affects vehicle
- 6 operations at railroad crossings".

Senator Smith asked unanimous consent to withdraw his amendment, AM2890, found in this day's Journal, and replace it with his substitute amendment, AM2899, to the committee amendment.

AM2899

(Amendments to Standing Committee amendments, AM2612)

- 1 1. Strike amendment 1 and insert the following new amendment:
- 2 1. Strike the original sections and insert the following new
- 3 sections:
- 4 Section 1. For purposes of sections 1 to 10 of this act, the
- 5 following definitions apply:
- 6 (1) Automated driving system means the hardware and software that
- 7 are collectively capable of performing the entire dynamic driving task on
- 8 a sustained basis regardless of whether it is limited to a specific
- 9 operational design domain, if any;
- 10 (2) Automated driving system-equipped vehicle means a motor vehicle
- 11 equipped with an automated driving system;
- 12 (3) Conventional human driver means a human person who manually
- 13 exercises in-vehicle braking, accelerating, steering, and transmission
- 14 gear selection input devices in order to operate a motor vehicle;
- 15 (4) Driverless capable vehicle means a motor vehicle equipped with
- 16 an automated driving system capable of performing all aspects of the
- 17 dynamic driving task within its operational design domain, if any,

18 including achieving a minimal risk condition, without any intervention or
19 supervision by a conventional human driver;

20 (5) Department means the Department of Motor Vehicles;

21 (6) Dynamic driving task means all of the real-time operational and
22 tactical functions required to operate a motor vehicle within its
23 specific operational design domain, if any, excluding the strategic
24 functions such as trip scheduling and selection of destinations and
25 waypoints;

26 (7) Minimal risk condition means a reasonably safe state to which an
1 automated driving system brings an automated driving system-equipped
2 vehicle upon experiencing a performance-related failure of the vehicle's
3 automated driving system that renders the vehicle unable to perform the
4 entire dynamic driving task, such as bringing the vehicle to a complete
5 stop and activating the hazard lamps;

6 (8) On-demand driverless capable vehicle network means a
7 transportation service network that uses a software application or other
8 digital means to dispatch driverless capable vehicles for purposes of
9 transporting persons or goods, including for-hire transportation,
10 transportation for compensation, and public transportation; and
11 (9) Operational design domain means a description of the specific
12 operating domain in which an automated driving system is designed to
13 properly operate, including, but not limited to, roadway types, speed
14 range, environmental conditions such as weather and time of day, and
15 other domain constraints.

16 Sec. 2. A driverless capable vehicle may operate on the public
17 roads of this state without a conventional human driver physically
18 present in the vehicle, as long as the vehicle meets the following
19 conditions:

20 (1) The vehicle is capable of achieving a minimal risk condition if
21 a malfunction of the automated driving system occurs that renders the
22 system unable to perform the entire dynamic driving task within its
23 intended operational design domain, if any; and

24 (2) While in driverless operation, the vehicle is capable of
25 operating in compliance with the applicable traffic and motor vehicle
26 safety laws and regulations of this state that govern the performance of
27 the dynamic driving task, including, but not limited to, safely
28 negotiating railroad crossings, unless an exemption has been granted by
29 the department. The department shall consult with the railroad companies
30 operating in this state when considering an exemption that affects
31 vehicle operations at railroad crossings.

1 Sec. 3. (1) Notwithstanding any other provision of law, the
2 operation on the public roads of this state of an automated driving
3 system-equipped vehicle capable of performing the entire dynamic driving
4 task within its operational design domain while a conventional human
5 driver is present is lawful. Such operation shall be subject to the
6 Nebraska Rules of the Road, as applicable. In addition, the conventional
7 human driver shall be licensed as required under the Motor Vehicle
8 Operator's License Act, shall remain subject to the Nebraska Rules of the
9 Road, shall operate the automated driving system-equipped vehicle
10 according to the manufacture's requirements and specifications, and shall
11 regain manual control of the vehicle upon the request of the automated

12 driving system.

13 (2) The automated driving system feature, while engaged, shall be
14 designed to operate within its operational design domain in compliance
15 with the Nebraska Rules of the Road, including, but not limited to,
16 safely negotiating railroad crossings, unless an exemption has been
17 granted by the department. The department shall consult with the railroad
18 companies operating in this state when considering an exemption that
19 affects vehicle operations at railroad crossings.

20 Sec. 4. Before an automated driving system-equipped vehicle may
21 operate on the public roads of this state, a person shall submit proof of
22 financial responsibility satisfactory to the department that the
23 automated driving system-equipped vehicle is covered by insurance or
24 proof of self-insurance that satisfies the requirements of the Motor
25 Vehicle Safety Responsibility Act.

26 Sec. 5. (1) Notwithstanding any other provision of law, a person
27 may operate an on-demand driverless capable vehicle network. Such a
28 network may provide transportation of persons or goods, including:
29 (a) For-hire transportation, including transportation for multiple
30 passengers who agree to share the ride in whole or in part; and
31 (b) Public transportation.

1 (2) An on-demand driverless capable vehicle network may connect
2 passengers to driverless capable vehicles either (a) exclusively or (b)
3 as part of a digital network that also connects passengers to human
4 drivers who provide transportation services, consistent with applicable
5 law, in vehicles that are not driverless-capable vehicles.

6 Sec. 6. Subject to section 2 of this act, the Nebraska Rules of the
7 Road shall not be construed as requiring a conventional human driver to
8 operate a driverless capable vehicle that is being operated by an
9 automated driving system, and the automated driving system of such
10 vehicle, when engaged, shall be deemed to fulfill any physical acts
11 required of a conventional human driver to perform the dynamic driving
12 task.

13 Sec. 7. In the event of a crash or collision:

14 (1) The automated driving system-equipped vehicle shall remain on
15 the scene of the crash or collision and otherwise comply with sections
16 60-696 to 60-698; and

17 (2) The owner of the automated driving system-equipped vehicle, if
18 capable, or a person on behalf of the automated driving system-equipped
19 vehicle owner, shall report any crash or collision as required by section
20 60-698.

21 Sec. 8. (1) Automated driving system-equipped vehicles and
22 automated driving systems are governed exclusively by sections 1 to 8 of
23 this act. The department is the sole and exclusive state agency that may
24 implement sections 1 to 10 of this act.

25 (2) The state or any political subdivision shall not impose
26 requirements, including performance standards, specific to the operation
27 of automated driving system-equipped vehicles, automated driving systems,
28 or on-demand driverless capable vehicle networks in addition to the
29 requirements of sections 1 to 10 of this act.

30 (3) The state or any political subdivision thereof shall not impose
31 a tax or other requirements on an automated driving system-equipped

1 vehicle, an automated driving system, or an on-demand driverless capable
 2 vehicle network, where such tax or other requirements relate specifically
 3 to the operation of automated driving system-equipped vehicles.
 4 Sec. 9. Nothing in sections 1 to 10 of this act shall be construed
 5 to require the State of Nebraska or any political subdivision thereof to
 6 plan, design, construct, maintain, or modify any highway, as defined in
 7 section 60-624, for the accommodation of an autonomous vehicle.
 8 Sec. 10. Nothing in sections 1 to 10 of this act shall be construed
 9 to provide greater liability than is already allowed under the Political
 10 Subdivisions Tort Claims Act or the State Tort Claims Act.

Senator Friesen objected.

Senator Smith offered the following motion:

MO339

Withdraw AM2890 and substitute AM2899.

Senator Friesen withdrew his objection to substitute.

The Smith amendment, AM2899, found in this day's Journal, to the committee amendment, was renewed.

Senator Wishart offered the following motion:

MO340

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Wishart moved for a call of the house. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

Senator Wishart requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 37:

Albrecht	Hansen	Krist	Pansing Brooks	Vargas
Baker	Harr	Larson	Quick	Walz
Blood	Hilgers	Lindstrom	Riepe	Wayne
Bolz	Hilkemann	Linehan	Scheer	Williams
Brewer	Howard	McCollister	Schumacher	Wishart
Crawford	Hughes	McDonnell	Smith	
Ebke	Kolowski	Morfeld	Stinner	
Geist	Kolterman	Murante	Thibodeau	

Voting in the negative, 8:

Bostelman	Clements	Friesen	Lowe
Chambers	Erdman	Halloran	Watermeier

Present and not voting, 2:

Brasch	Briese
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Excused and not voting, 2:

Groene Kuehn

The Wishart motion to invoke cloture prevailed with 37 ayes, 8 nays, 2 present and not voting, and 2 excused and not voting.

The Smith amendment, AM2899, to the committee amendment, was adopted with 33 ayes, 9 nays, 5 present and not voting, and 2 excused and not voting.

The committee amendment, AM2612, as amended, was adopted with 32 ayes, 10 nays, 5 present and not voting, and 2 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 33:

Baker	Harr	Lindstrom	Quick	Vargas
Blood	Hilgers	Linehan	Riepe	Walz
Bolz	Hilkemann	McCollister	Scheer	Wayne
Crawford	Howard	McDonnell	Schumacher	Williams
Ebke	Kolowski	Morfeld	Smith	Wishart
Geist	Kolterman	Murante	Stinner	
Hansen	Larson	Pansing Brooks	Thibodeau	

Voting in the negative, 13:

Albrecht	Brewer	Clements	Halloran	Watermeier
Bostelman	Briese	Erdman	Hughes	
Brasch	Chambers	Friesen	Lowe	

Present and not voting, 1:

Krist

Excused and not voting, 2:

Groene Kuehn

Advanced to Enrollment and Review Initial with 33 ayes, 13 nays, 1 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 791. Senator Albrecht asked unanimous consent to withdraw her amendment, AM2729, found on page 1306 and considered on page 1375, and replace it with the Ebke substitute amendment, AM2880, found on page 1474, to the committee amendment. No objections. So ordered.

SPEAKER SCHEER PRESIDING

SENATOR WILLIAMS PRESIDING

Senator Ebke offered the following motion:

MO342

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Ebke moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Ebke requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 34:

Albrecht	Clements	Hilgers	Lowe	Thibodeau
Baker	Ebke	Hilkemann	Murante	Vargas
Bostelman	Erdman	Hughes	Riepe	Watermeier
Brasch	Friesen	Kolterman	Scheer	Wayne
Brewer	Geist	Kuehn	Schumacher	Williams
Briese	Groene	Lindstrom	Smith	Wishart
Chambers	Halloran	Linehan	Stinner	

Voting in the negative, 3:

Blood	Bolz	Quick
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Present and not voting, 8:

Crawford	Harr	Krist	Pansing Brooks
Hansen	Kolowski	McDonnell	Walz

Excused and not voting, 4:

Howard	Larson	McCollister	Morfeld
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The Ebke motion to invoke cloture prevailed with 34 ayes, 3 nays, 8 present and not voting, and 4 excused and not voting.

The Ebke amendment, AM2880, was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

The committee amendment, AM2708, as amended, was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 791A. Title read. Considered.

Senator Ebke offered the following motion:

MO341

Indefinitely postpone.

The Ebke motion to indefinitely postpone prevailed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 994. Placed on Final Reading.

LEGISLATIVE BILL 994A. Placed on Final Reading.

LEGISLATIVE BILL 1081. Placed on Final Reading.

LEGISLATIVE BILL 1081A. Placed on Final Reading.

LEGISLATIVE BILL 1089. Placed on Final Reading.

ST64

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, "77-3505.02" has been struck and "77-118, 77-3505.02," inserted; and in line 7, "to change provisions relating to the effect of purchases of certain depreciable property on the Nebraska adjusted basis;" has been inserted after the semicolon.

(Signed) Anna Wishart, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 487. Introduced by McDonnell, 5.

WHEREAS, Senator Terry Carpenter, representing Legislative District 48, introduced Legislative Bill 15 during the Eightieth Session in 1969; and

WHEREAS, LB 15 was co-sponsored by Sen. William K. Skarda, Jr., District 7; Sen. Eugene T. Mahoney, District 5; Sen. Bill K. Bloom, District 20; and Sen. Henry F. Pedersen, Jr., District 4; and

WHEREAS, LB 15 established the right of public employees to collectively bargain for wages, safety, and benefits; and

WHEREAS, LB 15 was approved on April 29, 1969, and 2019 will mark fifty full years of collective bargaining rights for Nebraska public employees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature designates April 29, 2019, as Public Employee Collective Bargaining Day in Nebraska.

2. That Nebraskans are encouraged to recognize, commemorate, and celebrate the history and importance of collective bargaining in the State of Nebraska.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Blood filed the following amendment to LB989:
AM2865

(Amendments to AM2787)

1 1. Insert the following new sections:

2 Sec. 9. Section 28-101, Revised Statutes Supplement, 2017, is
3 amended to read:

4 28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and
5 sections 10 to 13 of this act shall be known and may be cited as the
6 Nebraska Criminal Code.

7 Sec. 10. Sections 10 to 13 of this act shall be known and may be
8 cited as the Counterfeit Airbag Prevention Act.

9 Sec. 11. For purposes of the Counterfeit Airbag Prevention Act,
10 unless the context otherwise requires:

11 (1) Airbag means a motor vehicle inflatable occupant restraint
12 system device that is part of a supplemental restraint system;

13 (2) Counterfeit supplemental restraint system component means a
14 replacement supplemental restraint system component that displays a mark
15 identical or substantially similar to the genuine mark of a motor vehicle
16 manufacturer or a supplier of parts to the manufacturer of a motor
17 vehicle without authorization from that manufacturer or supplier,
18 respectively;

19 (3) Nonfunctional airbag means a replacement airbag that meets any
20 of the following criteria:

21 (a) The airbag was previously deployed or damaged;

22 (b) The airbag has an electric fault that is detected by the motor
23 vehicle's diagnostic system when the installation procedure is completed
24 and the motor vehicle is returned to the customer who requested the work
25 to be performed or when ownership is intended to be transferred;

26 (c) The airbag includes a part or object, including, but not limited
1 to, a supplemental restraint system component installed in a motor
2 vehicle to mislead the owner or operator of the motor vehicle into
3 believing that a functional airbag has been installed; or

4 (d) The airbag is subject to the prohibitions of subsection (j) of
5 49 U.S.C. 30120, as such subsection existed on January 1, 2018; and

6 (4) Supplemental restraint system means an inflatable restraint
7 system as defined in 49 C.F.R. 571.208, as such regulation existed on
8 January 1, 2018, designed for use in conjunction with an active safety
9 system. A supplemental restraint system includes one or more airbags and
10 all components required to ensure that an airbag works as designed by the
11 motor vehicle manufacturer, including both of the following:

12 (a) The airbag operates as necessary in the event of a crash; and

13 (b) The airbag is designed in accordance with federal motor vehicle
14 safety standards for the specific make, model, and year of the motor
15 vehicle in which it is or will be installed.
16 Sec. 12. A person violates the Counterfeit Airbag Prevention Act if
17 the person does any of the following:
18 (1) Knowingly and intentionally manufactures, imports, installs,
19 reinstalls, distributes, sells, or offers for sale any device intended to
20 replace a supplemental restraint system component in any motor vehicle if
21 the device is a counterfeit supplemental restraint system component, a
22 nonfunctional airbag, or does not meet federal safety requirements as
23 provided in 49 C.F.R. 571.208, as such regulation existed on January 1,
24 2018;
25 (2) Knowingly and intentionally sells, installs, or reinstalls in a
26 motor vehicle a device that causes the motor vehicle's diagnostic system
27 to fail to warn when the motor vehicle is equipped with a counterfeit
28 supplemental restraint system component, nonfunctional airbag, or no
29 airbag is installed;
30 (3) Knowingly and intentionally represents to another person that a
31 counterfeit supplemental restraint system component or nonfunctional
1 airbag installed in a motor vehicle is not a counterfeit supplemental
2 restraint system component or a nonfunctional airbag; or
3 (4) Causes another person to violate this section or assists another
4 person in violating this section.
5 Sec. 13. (1) Except as otherwise provided in this section, a
6 violation of the Counterfeit Airbag Prevention Act is a Class IV felony.
7 (2) A violation of the Counterfeit Airbag Prevention Act is a Class
8 IIIA felony if the defendant has been previously convicted of a violation
9 of the act.
10 (3) A violation of the Counterfeit Airbag Prevention Act is a Class
11 III felony if the violation resulted in an individual suffering bodily
12 injury.
13 (4) A violation of the Counterfeit Airbag Prevention Act is a Class
14 IIA felony if the violation resulted in an individual suffering serious
15 bodily injury.
16 (5) A violation of the Counterfeit Airbag Prevention Act is a Class
17 II felony if the violation resulted in the death of an individual.
18 Sec. 14. Original section 28-101, Revised Statutes Supplement,
19 2017, is repealed.
20 Sec. 15. The following section is outright repealed: Section
21 28-635, Reissue Revised Statutes of Nebraska.

Senator Hansen filed the following amendment to LB791:
AM2901

(Amendments to Standing Committee amendments, AM2708)

- 1 1. Strike section 3.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

Senator Hansen filed the following amendment to LB791:

AM2903

(Amendments to Standing Committee amendments, AM2708)

- 1 1. Strike section 3.
- 2 2. On page 1, line 15, strike "ten" and insert "five"; in line 18
- 3 strike "a record of"; strike beginning with "misconduct" in line 19
- 4 through "agency" in line 21 and insert "officer conduct which could
- 5 constitute grounds for revocation or suspension of a law enforcement
- 6 certification by the Nebraska Commission on Law Enforcement and Criminal
- 7 Justice"; and in line 26 strike "and" and insert "or".
- 8 3. On page 2, line 13, strike "and" and insert "or".
- 9 4. On page 3, line 10, strike "Upon" and insert "Within ten calendar
- 10 days after"; and in line 28 strike "under section 81-1414".
- 11 5. On page 6, line 31, strike beginning with "any" through "state"
- 12 and insert "the Nebraska State Patrol".
- 13 6. On page 7, strike line 1; after line 1 insert the following new
- 14 subdivision:
- 15 "(13) Have the authority to disclose to the Legislature, the
- 16 Superintendent of Law Enforcement and Public Safety, or a complainant the
- 17 status or outcome of an internal investigation or discipline of a member
- 18 of the Nebraska State Patrol; and"; and in line 2 strike "(13)" and
- 19 insert "(14)".
- 20 7. Renumber the remaining sections and correct the repealer
- 21 accordingly.

RECESS

At 6:00 p.m., on a motion by Senator Groene, the Legislature recessed until 6:30 p.m.

AFTER RECESS

The Legislature reconvened at 6:30 p.m., Senator Williams presiding.

ROLL CALL

The roll was called and all members were present except Senators Baker and McCollister who were excused; and Senators Brieese, Friesen, Hansen, Howard, Kuehn, Larson, McDonnell, Morfeld, Pansing Brooks, Quick, Scheer, Watermeier, and Wayne who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 948. Senator Harr renewed his amendment, AM2473, found on page 1048, to the committee amendment.

Senator Harr moved for a call of the house. The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Senator Harr requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 5:

Chambers Kolowski Krist Pansing Brooks Schumacher

Voting in the negative, 33:

Albrecht	Ebke	Hilkemann	McDonnell	Vargas
Blood	Erdman	Hughes	Murante	Walz
Bostelman	Friesen	Kolterman	Quick	Watermeier
Brasch	Geist	Kuehn	Riepe	Williams
Brewer	Groene	Lindstrom	Scheer	Wishart
Briese	Halloran	Linehan	Stinner	
Clements	Hilgers	Lowe	Thibodeau	

Present and not voting, 4:

Bolz Crawford Hansen Harr

Excused and not voting, 7:

Baker	Larson	Morfeld	Wayne
Howard	McCollister	Smith	

The Harr amendment lost with 5 ayes, 33 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO343

Recommit to the Government, Military and Veterans Affairs Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

The Chambers motion to recommit to committee failed with 7 ayes, 32 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senators Murante offered the following motion:

MO344

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Murante moved for a call of the house. The motion prevailed with 24 ayes, 2 nays, and 23 not voting.

Senator Murante requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 33:

Albrecht	Clements	Hilkemann	Lowe	Thibodeau
Blood	Erdman	Hughes	McDonnell	Watermeier
Bolz	Friesen	Kolterman	Murante	Wayne
Bostelman	Geist	Kuehn	Riepe	Williams
Brasch	Groene	Larson	Scheer	Wishart
Brewer	Halloran	Lindstrom	Smith	
Briese	Hilgers	Linehan	Stinner	

Voting in the negative, 4:

Chambers	Harr	Kolowski	Krist
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Present and not voting, 9:

Crawford	Hansen	Pansing Brooks	Schumacher	Walz
Ebke	Howard	Quick	Vargas	

Excused and not voting, 3:

Baker	McCollister	Morfeld
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The Murante motion to invoke cloture prevailed with 33 ayes, 4 nays, 9 present and not voting, and 3 excused and not voting.

The committee amendment, AM1931, was adopted with 33 ayes, 5 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 5 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 989. Placed on Select File with amendment.

ER182

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. For purposes of sections 1 to 10 of this act, the
4 following definitions apply:

5 (1) Automated driving system means the hardware and software that
6 are collectively capable of performing the entire dynamic driving task on
7 a sustained basis regardless of whether it is limited to a specific
8 operational design domain, if any;

- 9 (2) Automated-driving-system-equipped vehicle means a motor vehicle
10 equipped with an automated driving system;
- 11 (3) Conventional human driver means a human person who manually
12 exercises in-vehicle braking, accelerating, steering, and transmission
13 gear selection input devices in order to operate a motor vehicle;
- 14 (4) Department means the Department of Motor Vehicles;
- 15 (5) Driverless-capable vehicle means a motor vehicle equipped with
16 an automated driving system capable of performing all aspects of the
17 dynamic driving task within its operational design domain, if any,
18 including achieving a minimal risk condition, without any intervention or
19 supervision by a conventional human driver;
- 20 (6) Dynamic driving task means all of the real-time operational and
21 tactical functions required to operate a motor vehicle within its
22 specific operational design domain, if any, excluding the strategic
23 functions such as trip scheduling and selection of destinations and
24 waypoints;
- 25 (7) Minimal risk condition means a reasonably safe state to which an
26 automated driving system brings an automated-driving-system-equipped
27 vehicle upon experiencing a performance-related failure of the vehicle's
1 automated driving system that renders the vehicle unable to perform the
2 entire dynamic driving task, such as bringing the vehicle to a complete
3 stop and activating the hazard lamps;
- 4 (8) On-demand driverless-capable vehicle network means a
5 transportation service network that uses a software application or other
6 digital means to dispatch driverless-capable vehicles for purposes of
7 transporting persons or goods, including for-hire transportation,
8 transportation for compensation, and public transportation; and
- 9 (9) Operational design domain means a description of the specific
10 operating domain in which an automated driving system is designed to
11 properly operate, including, but not limited to, roadway types, speed
12 range, environmental conditions such as weather and time of day, and
13 other domain constraints.
- 14 Sec. 2. A driverless-capable vehicle may operate on the public
15 roads of this state without a conventional human driver physically
16 present in the vehicle, as long as the vehicle meets the following
17 conditions:
- 18 (1) The vehicle is capable of achieving a minimal risk condition if
19 a malfunction of the automated driving system occurs that renders the
20 system unable to perform the entire dynamic driving task within its
21 intended operational design domain, if any; and
- 22 (2) While in driverless operation, the vehicle is capable of
23 operating in compliance with the applicable traffic and motor vehicle
24 safety laws and regulations of this state that govern the performance of
25 the dynamic driving task, including, but not limited to, safely
26 negotiating railroad crossings, unless an exemption has been granted by
27 the department. The department shall consult with the railroad companies
28 operating in this state when considering an exemption that affects
29 vehicle operations at railroad crossings.
- 30 Sec. 3. (1) Notwithstanding any other provision of law, the

31 operation on the public roads of this state of an automated-driving-
1 system-equipped vehicle capable of performing the entire dynamic driving
2 task within its operational design domain while a conventional human
3 driver is present is lawful. Such operation shall be subject to the
4 Nebraska Rules of the Road, as applicable. In addition, the conventional
5 human driver shall be licensed as required under the Motor Vehicle
6 Operator's License Act, shall remain subject to the Nebraska Rules of the
7 Road, shall operate the automated-driving-system-equipped vehicle
8 according to the manufacturer's requirements and specifications, and
9 shall regain manual control of the vehicle upon the request of the
10 automated driving system.

11 (2) The automated driving system feature, while engaged, shall be
12 designed to operate within its operational design domain in compliance
13 with the Nebraska Rules of the Road, including, but not limited to,
14 safely negotiating railroad crossings, unless an exemption has been
15 granted by the department. The department shall consult with the railroad
16 companies operating in this state when considering an exemption that
17 affects vehicle operations at railroad crossings.

18 Sec. 4. Before an automated-driving-system-equipped vehicle may
19 operate on the public roads of this state, a person shall submit proof of
20 financial responsibility satisfactory to the department that the
21 automated-driving-system-equipped vehicle is covered by insurance or
22 proof of self-insurance that satisfies the requirements of the Motor
23 Vehicle Safety Responsibility Act.

24 Sec. 5. (1) Notwithstanding any other provision of law, a person
25 may operate an on-demand driverless-capable vehicle network. Such a
26 network may provide transportation of persons or goods, including:
27 (a) For-hire transportation, including transportation for multiple
28 passengers who agree to share the ride in whole or in part; and
29 (b) Public transportation.

30 (2) An on-demand driverless-capable vehicle network may connect
31 passengers to driverless-capable vehicles either (a) exclusively or (b)
1 as part of a digital network that also connects passengers to human
2 drivers who provide transportation services, consistent with applicable
3 law, in vehicles that are not driverless-capable vehicles.

4 Sec. 6. Subject to section 2 of this act, the Nebraska Rules of the
5 Road shall not be construed as requiring a conventional human driver to
6 operate a driverless-capable vehicle that is being operated by an
7 automated driving system, and the automated driving system of such
8 vehicle, when engaged, shall be deemed to fulfill any physical acts
9 required of a conventional human driver to perform the dynamic driving
10 task.

11 Sec. 7. In the event of a crash or collision:

12 (1) The automated-driving-system-equipped vehicle shall remain on
13 the scene of the crash or collision and otherwise comply with sections
14 60-696 to 60-698; and

15 (2) The owner of the automated-driving-system-equipped vehicle, if
16 capable, or a person on behalf of the automated-driving-system-equipped
17 vehicle owner, shall report any crash or collision as required by section

18 60-698.

19 Sec. 8. (1) Automated-driving-system-equipped vehicles and
 20 automated driving systems are governed exclusively by sections 1 to 10 of
 21 this act. The department is the sole and exclusive state agency that may
 22 implement sections 1 to 10 of this act.

23 (2) The state or any political subdivision shall not impose
 24 requirements, including performance standards, specific to the operation
 25 of automated-driving-system-equipped vehicles, automated driving systems,
 26 or on-demand driverless-capable vehicle networks in addition to the
 27 requirements of sections 1 to 10 of this act.

28 (3) The state or any political subdivision thereof shall not impose
 29 a tax or other requirements on an automated-driving-system-equipped
 30 vehicle, an automated driving system, or an on-demand driverless-capable
 31 vehicle network, where such tax or other requirements relate specifically
 1 to the operation of automated-driving-system-equipped vehicles.

2 Sec. 9. Nothing in sections 1 to 10 of this act shall be construed
 3 to require the State of Nebraska or any political subdivision thereof to
 4 plan, design, construct, maintain, or modify any highway, as defined in
 5 section 60-624, for the accommodation of an autonomous vehicle.

6 Sec. 10. Nothing in sections 1 to 10 of this act shall be construed
 7 to provide greater liability than is already allowed under the Political
 8 Subdivisions Tort Claims Act or the State Tort Claims Act.

9 2. On page 1, strike beginning with "the" in line 1 through line 4
 10 and insert "automated-driving-system-equipped vehicles, automated driving
 11 systems, and driverless-capable vehicles as prescribed; to provide
 12 requirements, restrictions, and limitations; to provide powers and duties
 13 for the Department of Motor Vehicles; and to define terms."

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Harr filed the following amendment to LB998:

FA149

Strike Section 1.

SELECT FILE

LEGISLATIVE BILL 731. ER166, found on page 1349, was adopted.

SENATOR LINDSTROM PRESIDING

Senator Erdman withdrew his amendment, AM2830, found on page 1424.

Senator Riepe offered the following amendment:

AM2864

(Amendments to Standing Committee amendments, AM2432)

1 1. On page 3, line 19, after "include" insert ", but is not limited
 2 to,".

- 3 2. On page 29, line 12, strike "motor home" and insert "the mobile
4 unit"; and in line 13 strike "motor home" and insert "mobile unit".
- 5 3. On page 43, line 1, strike "or unregistered"; and in line 26
6 strike "cosmetology" and insert "nail technology".
- 7 4. On page 44, line 18, strike "motor home" and insert "the mobile
8 unit"; and in line 19 strike "motor home" and insert "mobile unit".
- 9 5. On page 56, strike lines 29 and 30; and in line 31 strike "(4)"
10 and insert "(3)".
- 11 6. On page 57, line 2, strike "(5)" and insert "(4)"; in line 5,
12 strike "(6)" and insert "(5)"; in line 7 strike "(7)" and insert "(6)";
13 and in line 27 strike "permanent".
- 14 7. On page 58, line 24, after the semicolon insert "and"; in line 26
15 strike "and"; and strike line 27.
- 16 8. On page 59, line 15, strike "motor home" and insert "the mobile
17 unit"; and in line 16 strike "motor home" and insert "mobile unit".

The Riepe amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 731A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 807. ER169, found on page 1393, was adopted.

Senator Harr offered his amendment, AM2831, found on page 1420.

The Harr amendment was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 807A. Senator Harr offered his amendment, AM2834, found on page 1424.

The Harr amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 670. ER173, found on page 1425, was adopted.

Senator Ebke offered her amendment, AM2822, found on page 1431.

The Ebke amendment was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Senator Vargas offered the following amendment:
AM2874 is available in the Bill Room.

The Vargas amendment was adopted with 25 ayes, 3 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1120. ER172, found on page 1425, was adopted.

Senator Larson withdrew his amendment, AM2126, found on page 843.

Senator Thibodeau offered her amendment, AM2835, found on page 1428.

The Thibodeau amendment was adopted with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 873. ER170, found on page 1425, was adopted.

Senator Wayne offered his amendment, AM2827, found on page 1428.

The Wayne amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Senator Erdman offered the following amendment:

FA159

Amend AM2065

Strike sections 334 through 336.

Senator Erdman moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

Senator Erdman requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Bostelman	Clements	Geist	Halloran	Lowe
Brasch	Erdman	Groene	Hilgers	Watermeier

Voting in the negative, 14:

Bolz	Hansen	Krist	Riepe	Williams
Chambers	Harr	Pansing Brooks	Stinner	Wishart
Crawford	Howard	Quick	Wayne	

Present and not voting, 14:

Albrecht	Ebke	Larson	Schumacher	Vargas
Blood	Friesen	Lindstrom	Smith	Walz
Briese	Kolterman	Linehan	Thibodeau	

Excused and not voting, 11:

Baker	Hughes	McCollister	Murante
Brewer	Kolowski	McDonnell	Scheer
Hilkemann	Kuehn	Morfeld	

The Erdman amendment lost with 10 ayes, 14 nays, 14 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Senator Pansing Brooks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Senator Hilgers requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 29 ayes, 6 nays, 6 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 953. ER176, found on page 1457, was adopted.

Senator Schumacher offered the following amendment:
AM2885

(Amendments to E&R amendments, ER176)

- 1 1. On page 2, line 15, after the period insert "The application
- 2 shall also include a statement that the parties have considered the
- 3 interests of medicare and have taken reasonable steps to protect any
- 4 interests of medicare."
- 5 2. On page 3, lines 3 and 12, after "affirm" insert "and does
- 6 affirm".

The Schumacher amendment was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1069. Title read. Considered.

Senator Brasch offered her amendment, AM2382, found on page 1153.

Senator Brasch offered the following amendment to her amendment:
AM2902

(Amendments to AM2382)

- 1 1. On page 2, line 26, after "of" insert "multicultural education".

2 2. On page 5, line 5, after the second underscored comma insert
 3 "Constitution Day".

Pending.

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendments to LB1069:

FA151

Amend AM2382

Page 1, line 26 strike "and doctrines".

FA152

Amend AM2382

Page 1, line 20 strike "of which we are possessed" and insert "we possess".

FA153

Amend AM2382

Page 2, line 26 strike "acceptance" and insert "inculcation".

FA154

Amend AM2382

Page 1, line 27 strike "men and women" and insert "them".

FA155

Amend AM2382

Page 2, line 13 strike first "and" and insert "or".

FA156

Amend AM2382

Page 2, line 30, and page 3, line 2 after "Ensure" insert "that".

FA157

Amend AM2382

Page 2, line 4 strike "American".

FA160

Amend AM2382

Page 4, line 8 strike "Constitution of" and after "Nebraska" insert "Constitution".

Senator Bolz filed the following amendment to LB1069:

AM2878

(Amendments to AM2382)

1 1. On page 1, line 25, after the period insert "Students should also
 2 be made aware of our nation's history of civil rights, women's rights,
 3 workers' rights, rights of individuals with disabilities, and voting
 4 rights, as well as how advocacy for those rights led to greater equality
 5 and prohibitions of discrimination on the basis of race, color, religion,
 6 ancestry, national origin, gender, sexual orientation, age, or
 7 disability".

VISITORS

Visitors to the Chamber were Chris, Everett, Evelyn, and Emerson Stiffler from Omaha.

The Doctor of the Day was Dr. David Hoelting from Pender.

ADJOURNMENT

At 11:41 p.m., on a motion by Senator Vargas, the Legislature adjourned until 9:00 a.m., Tuesday, April 10, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-EIGHTH DAY - APRIL 10, 2018
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION
FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 10, 2018

PRAYER

The prayer was offered by Pastor Bob Lawrence, Church of Christ, York.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Groene, Hansen, Kuehn, Linehan, McCollister, Morfeld, Thibodeau, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-seventh day was approved.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 791. Placed on Select File with amendment.
ER183

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. (1) The chief of police, sheriff, Superintendent of Law
- 4 Enforcement and Public Safety, or the head administrator of a law
- 5 enforcement agency or an agency employing a law enforcement officer shall
- 6 submit a personnel change in status form as approved by the Nebraska
- 7 Police Standards Advisory Council to the director of the Nebraska Law
- 8 Enforcement Training Center within seven calendar days after the date a
- 9 law enforcement officer is hired by the agency or leaves employment with
- 10 the agency.
- 11 (2) Each law enforcement agency or agency employing a law
- 12 enforcement officer shall maintain a record regarding the reason or
- 13 reasons for, and circumstances surrounding, a separation of service for
- 14 each law enforcement officer employed by that agency. Such record shall
- 15 be retained for five years following a law enforcement officer's

16 separation from the agency.

17 (3) Each law enforcement agency or agency employing a law
18 enforcement officer shall maintain any and all records of officer conduct
19 which could constitute grounds for revocation or suspension of a law
20 enforcement certification by the Nebraska Commission on Law Enforcement
21 and Criminal Justice. Such record shall include any and all records of
22 conduct which could constitute: (a) Incompetence; (b) neglect of duty;
23 (c) incapacity; (d) dishonesty; (e) a felony violation of state or
24 federal law; (f) a misdemeanor violation of state or federal law, if the
25 violation has a rational connection with the officer's fitness or
26 capacity to serve as a law enforcement officer; or (g) a violation of the
27 officer's oath of office, code of ethics, or statutory duties. Such
1 record shall be retained for the duration of the law enforcement
2 officer's employment with the agency and for ten years following his or
3 her separation from the agency.

4 (4) The chief of police, sheriff, Superintendent of Law Enforcement
5 and Public Safety, or the head administrator of a law enforcement agency
6 or an agency employing a law enforcement officer shall make a report to
7 the Nebraska Commission on Law Enforcement and Criminal Justice of any
8 law enforcement officer who is terminated from employment or allowed to
9 resign in lieu of termination for conduct that could constitute: (a)
10 Incompetence; (b) neglect of duty; (c) incapacity; (d) dishonesty; (e) a
11 felony violation of state or federal law; (f) a misdemeanor violation of
12 state or federal law, if the violation has a rational connection with the
13 officer's fitness or capacity to serve as a law enforcement officer; or
14 (g) a violation of the officer's oath of office, code of ethics, or
15 statutory duties. The report shall include, but not be limited to, a
16 summary of the allegations pertaining to the officer and identification
17 of any witnesses relevant to the allegations, and shall be filed with the
18 commission within thirty calendar days of the termination or resignation
19 in lieu of termination.

20 (5) Failure to comply with this section shall constitute neglect of
21 duty.

22 (6) For purposes of this section:

23 (a) Felony has the same meaning as in section 81-1401;

24 (b) Incapacity has the same meaning as in section 81-1401;

25 (c) Law enforcement agency has the same meaning as in section
26 81-1401; and

27 (d) Law enforcement officer has the same meaning as in section
28 81-1401.

29 Sec. 2. (1) A person who is certified under section 81-1414 and who
30 seeks employment as a law enforcement officer in this state shall provide
31 a signed waiver to the prospective employer upon a conditional offer of
1 employment. The waiver must expressly allow the prospective employer to
2 contact the person's former employer or employers and obtain from each
3 copies of any records created under subsections (2) and (3) of section 1
4 of this act. The prospective employer is responsible for providing the
5 waiver to each former employer.

6 (2) The waiver required by this section shall be executed on a form

7 provided by the Nebraska Commission on Law Enforcement and Criminal
8 Justice to all agencies in this state that employ or administer oaths of
9 office to law enforcement officers certified by the commission.

10 (3) Within ten calendar days after receipt of the waiver, a former
11 employer shall provide the prospective employer, along with other
12 information required or allowed to be provided by law, copies of any
13 records created under subsections (2) and (3) of section 1 of this act.
14 The names and any identifying information in any records created under
15 subsections (2) and (3) of this section of any individual, witness, or
16 law enforcement officer or officers other than the person who signed the
17 waiver shall be confidential and not disclosed to the prospective
18 employer.

19 (4) A prospective employer shall not hire as a law enforcement
20 officer a person to whom subsection (1) of this section applies unless
21 the prospective employer receives, from each of the person's former
22 employers, copies of any records created under subsections (2) and (3) of
23 section 1 of this act.

24 (5) A prospective employer shall not hire as a law enforcement
25 officer a person to whom subsection (1) of this section applies if such
26 person's former employer has provided notice to the Nebraska Commission
27 on Law Enforcement and Criminal Justice that the person's separation from
28 the former employer occurred under circumstances that may justify
29 revocation of the person's certification unless the commission has
30 reviewed the notification and issued a determination that the person
31 shall retain such certification.

1 (6) For purposes of this section:

2 (a) Former employer means the law enforcement agency or other agency
3 that currently employs or previously employed the person as a law
4 enforcement officer;

5 (b) Incapacity has the same meaning as in section 81-1401;

6 (c) Law enforcement agency has the same meaning as in section
7 81-1401;

8 (d) Law enforcement officer has the same meaning as in section
9 81-1401; and

10 (e) Prospective employer means the law enforcement agency or other
11 agency that is considering hiring the person as a law enforcement
12 officer.

13 Sec. 3. Section 81-1377, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 81-1377 (1) The Chief Negotiator or any other employer-
16 representative and the exclusive collective-bargaining agent for
17 employees under the Chief Negotiator's or employer-representative's
18 jurisdiction shall bargain and negotiate labor contracts in good faith
19 and reasonably in advance of the budget-making process.

20 (2) Retirement programs shall not be bargainable by or on behalf of
21 any state employee.

22 (3) Nothing in the disciplinary procedures or collective bargaining
23 agreement of the Nebraska State Patrol shall:

24 (a) Limit the discretion of the Superintendent of Law Enforcement

25 and Public Safety to disclose to the Legislature, the Nebraska Commission
26 on Law Enforcement and Criminal Justice, the Nebraska Police Standards
27 Advisory Council, the Equal Opportunity Commission, or a complainant the
28 status or outcome of an internal investigation or discipline;

29 (b) Limit the consideration by the patrol, for purposes of
30 progressive discipline, of disciplinary action in a prior case that
31 occurred within the ten years preceding the date such progressive
1 discipline is imposed;

2 (c) Limit the time during which a disciplinary investigation may be
3 initiated or discipline may be imposed to less than two years after the
4 occurrence of the conduct which is the subject of the investigation or
5 discipline;

6 (d) Require the release to a member who is under internal
7 investigation for an allegation that could result in a charge of a Class
8 I misdemeanor or felony or an allegation involving dishonesty, prior to
9 the initial internal investigation interview, of reports and materials
10 concerning the internal investigation of such member, except that the
11 member shall be entitled to know the nature of the complaint underlying
12 the investigation;

13 (e) Limit or restrict access by the individual or individuals
14 conducting the internal investigation to materials, including records of
15 current or past discipline or misconduct, regarding the member under
16 investigation; or

17 (f) Prevent, limit, or restrict access by the Nebraska Commission on
18 Law Enforcement and Criminal Justice to internal investigation reports or
19 materials.

20 (4) ~~(3)~~ The obligation to negotiate in good faith shall not compel
21 the Chief Negotiator or any other employer-representative or the
22 exclusive collective-bargaining agent to agree to a proposal or make a
23 concession.

24 (5) ~~(4)~~ All contracts involving state employees and negotiated
25 pursuant to the Industrial Relations Act or the State Employees
26 Collective Bargaining Act shall cover a two-year period coinciding with
27 the biennial state budget, except that the first contract entered into by
28 a bargaining unit may cover only the second fiscal year of the biennium.
29 Sec. 4. Section 81-1425, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 81-1425 The executive director of the commission shall:

1 (1) Supervise and be responsible for the administration of the
2 policies established by the commission;

3 (2) Establish a Jail Standards subdivision and a Community
4 Corrections Division within the commission and establish, consolidate, or
5 abolish any administrative subdivision within the commission and appoint
6 and remove for cause the heads thereof, and delegate appropriate powers
7 and duties to them;

8 (3) Establish and administer projects and programs for the operation
9 of the commission;

10 (4) Appoint and remove employees of the commission and delegate
11 appropriate powers and duties to them;

12 (5) Make rules and regulations for the management and the
 13 administration of policies of the commission and the conduct of employees
 14 under his or her jurisdiction;

15 (6) Collect, develop, maintain, and analyze statistical information,
 16 records, and reports as the commission may determine relevant to its
 17 functions, including, but not limited to, the statistical information set
 18 forth in section 47-627;

19 (7) Transmit monthly to the commission a report of the operations of
 20 the commission for the preceding calendar month;

21 (8) Execute and carry out the provisions of all contracts, leases,
 22 and agreements authorized by the commission with agencies of federal,
 23 state, or local government, corporations, or persons;

24 (9) Perform such additional duties as may be assigned to him or her
 25 by the commission, by the chairperson of the commission, or by law;

26 (10) Appoint and remove for cause the director of the Nebraska Law
 27 Enforcement Training Center;

28 (11) Appoint and remove for cause the director of the Office of
 29 Violence Prevention; ~~and~~

30 (12) Subpoena witnesses and documents, files, internal investigation
 31 materials, administrative files, records, memoranda, reports, personnel
 1 records, disciplinary histories, or any materials the executive director
 2 determines to be relevant, relating to law enforcement officer
 3 certification revocation, from the Nebraska State Patrol; and

4 ~~(13)~~ ~~(42)~~ Exercise all powers and perform all duties necessary and
 5 proper in carrying out his or her responsibilities.

6 Sec. 5. (1) A state employee may make a report of sexual harassment
 7 to the Department of Administrative Services. The department shall
 8 investigate the report or ensure that an investigation is conducted by
 9 the agency which employs the reporting employee.

10 (2) The department and the agency which employs the reporting
 11 employee shall maintain the confidentiality of the reporting employee and
 12 any other person making a report of sexual harassment or participating in
 13 an investigation or internal agency proceeding under this section except:

14 (a) When disclosure is authorized in writing by such employee or
 15 other person;

16 (b) The identity of such employee or other person may be disclosed
 17 to the individual alleged to have committed the sexual harassment; and

18 (c) When necessary for conducting the investigation or imposing
 19 discipline.

20 (3) The agency employing the reporting employee shall not retaliate
 21 or discriminate against the reporting employee or any other person for:

22 (a) Initiating or participating in the making of a report of sexual
 23 harassment; or

24 (b) Testifying, assisting, or participating in an investigation,
 25 proceeding, or action concerning the sexual harassment.

26 Sec. 6. The changes made by this legislative bill shall not
 27 abrogate any labor contracts that are in effect through June 30, 2019.

28 Sec. 7. Original sections 81-1377 and 81-1425, Reissue Revised
 29 Statutes of Nebraska, are repealed.

30 Sec. 8. Since an emergency exists, this act takes effect when
31 passed and approved according to law.
1 2. On page 1, strike beginning with "the" in line 1 through line 6
2 and insert "employment; to amend sections 81-1377 and 81-1425, Reissue
3 Revised Statutes of Nebraska; to provide duties for agencies employing
4 law enforcement officers relating to changes in employment status,
5 maintenance and retention of records relating to separation from service
6 and certain types of conduct, and reporting as prescribed; to require a
7 waiver by certain law enforcement officer candidates as prescribed; to
8 provide duties for former and prospective employers; to provide for
9 certain disclosures and access relating to disciplinary actions and
10 investigations of Nebraska State Patrol employees; to authorize the
11 executive director of the Nebraska Commission on Law Enforcement and
12 Criminal Justice to issue subpoenas of witnesses and documents from the
13 Nebraska State Patrol as prescribed; to provide for reports of sexual
14 harassment to the Department of Administrative Services and to provide
15 powers, duties, and prohibitions related to such reports; to provide for
16 applicability; to repeal the original sections; and to declare an
17 emergency."

(Signed) Anna Wishart, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR470 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR470.

SELECT FILE

LEGISLATIVE BILL 1034. ER175, found on page 1453, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1034A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1065. ER177, found on page 1462, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1065A. ER178, found on page 1462, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 793. ER181, found on page 1482, was adopted.

Senator Riepe offered the following amendment:

AM2906

(Amendments to Stinner amendments, AM2871)

- 1 1. Strike section 13 and insert the following new section:
- 2 Sec. 13. (1) If the department determines that there are not enough
- 3 funds available to provide services to all eligible individuals under
- 4 subdivision (4)(d) of section 83-1216, the department shall provide day
- 5 services to individuals who:
- 6 (a) Are transitioning from the education system upon attaining
- 7 twenty-one years of age on or after July 1, 2019; and
- 8 (b) Are determined by the department to be otherwise eligible for
- 9 the day services in accordance with the Developmental Disabilities
- 10 Services Act.
- 11 (2) The department shall provide services comparable to the day
- 12 services the individual would have received pursuant to subdivision (4)
- 13 (d) of section 83-1216 if funds were available.
- 14 (3) No later than September 15 of each year, the director shall
- 15 provide electronic notification to the Health and Human Services
- 16 Committee of the Legislature and the Appropriations Committee of the
- 17 Legislature of the estimated number of individuals needing services under
- 18 subsection (4) of section 83-1216 and the net additional resources
- 19 necessary to provide services to all eligible individuals under
- 20 subsection (4) of section 83-1216 other than subdivision (e) of such
- 21 subsection.
- 22 (4) This section terminates June 30, 2021.
- 23 2. On page 4, line 19, strike "An" and insert "If the department
- 24 awards funding for aging and disability resource centers pursuant to
- 25 section 68-1115, an"; and in line 20 after "aging" insert "receiving such
- 26 funding".

Senator Riepe withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 957. ER148, found on page 1254, was adopted.

Senator Howard offered the following Lowe amendment:

AM2818

(Amendments to E & R amendments, ER148)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 48-125, Revised Statutes Cumulative Supplement,
- 4 2016, is amended to read:
- 5 48-125 (1) (1)(a) Except as hereinafter provided, all amounts of
- 6 compensation payable under the Nebraska Workers' Compensation Act shall
- 7 be payable periodically in accordance with the methods of payment of
- 8 wages of the employee at the time of the injury or death or by a method

9 of payment as provided in subsection (2) of this section. Such payments
10 shall be sent directly to the person entitled to compensation or his or
11 her designated representative except as otherwise provided in section
12 48-149 or subsection (2) of this section.
13 (2)(a) After an injury or death subject to the Nebraska Workers'
14 Compensation Act, the employer, workers' compensation insurer, or risk
15 management pool and the employee, the other person entitled to
16 compensation, or a legal representative acting on behalf of such employee
17 or other person entitled to compensation may enter into a written or
18 electronic agreement that periodic or lump-sum payments to the employee
19 or other person entitled to compensation may be made by check or by
20 direct deposit, prepaid card, or similar electronic payment system.
21 (b) Payments made by direct deposit, prepaid card, or similar
22 electronic payment system pursuant to this subsection shall not be
23 subject to attachment or garnishment or held liable in any way for any
24 debts, except as provided in section 48-149; and an agreement pursuant to
25 this subsection shall include notice of this fact. If an amount is
26 withheld pursuant to section 48-149, sufficient information to identify
1 the jurisdiction, the case number or similar identifying information, and
2 the amount withheld shall be provided to the employee or other person
3 entitled to compensation or his or her legal representative at or near
4 the time of withholding.
5 (c) Prior to entering into an agreement pursuant to this subsection
6 for payment by prepaid card, the employer, workers' compensation insurer,
7 or risk management pool shall provide to the employee or other person
8 entitled to compensation information regarding the locations where such
9 card may be used by the employee or other person.
10 (d) Pursuant to an agreement under this subsection, compensation may
11 be transferred by electronic funds transfer or other electronic means to
12 the trust account of an attorney representing the employee or other
13 person entitled to compensation, for the benefit of such employee or
14 other person. The payment or transfer shall include or be accompanied by
15 information sufficient to identify the nature of the payment being made,
16 including the employer, workers' compensation insurer, or risk management
17 pool and the employee or other person entitled to compensation.
18 (e) If an employer, workers' compensation insurer, or risk
19 management pool imposes any fees or other charges relating to payment by
20 direct deposit, prepaid card, or a similar electronic payment system,
21 prior to entering into an agreement pursuant to this subsection the
22 employer, workers' compensation insurer, or risk management pool shall
23 disclose such fees or charges to the employee or other person entitled to
24 compensation.
25 (f) Any payment or transfer made pursuant to this subsection by
26 direct deposit, prepaid card, or similar electronic payment system shall
27 be in the full amount of the lump-sum or periodic payment awarded or paid
28 pursuant to section 48-121 to the employee or other person entitled to
29 compensation.
30 (g) A prepaid card offered by the employer, workers' compensation
31 insurer, or risk management pool shall:

1 (i) Allow the employee or other person entitled to compensation to
2 apply, initiate, transfer, and load payments with no charge by the
3 employer, workers' compensation insurer, or risk management pool;
4 (ii) For the initial prepaid card, be distributed or delivered to
5 the employee or other person entitled to compensation with no charge by
6 the employer, workers' compensation insurer, or risk management pool; and
7 (iii) Provide the employee or other person entitled to compensation,
8 with respect to each payment made to the prepaid card in accordance with
9 this subsection, at least one method of accessing the full payment
10 without fees.
11 (h) An employee, another person entitled to compensation, or a legal
12 representative acting on behalf of such employee or other person entitled
13 to compensation may elect at any time to rescind the agreement under this
14 subsection regarding the method of payment by providing written or
15 electronic notice of such rescission to the employer, workers'
16 compensation insurer, or risk management pool that is a party to such
17 agreement. If such election is made, the employer, workers' compensation
18 insurer, or risk management pool shall change the method of payment to
19 the method of payment of wages of the employee at the time of the injury
20 or death under subsection (1) of this section as soon as practicable
21 after receiving the information necessary to do so and in a manner that
22 allows the employer, workers' compensation insurer, or risk management
23 pool to comply with the requirements of subsection (3) of this section
24 without making a delinquent payment. The employer, workers' compensation
25 insurer, or risk management pool is not required to rescind any payment
26 transaction already made or made to comply with subsection (3) of this
27 section.
28 (i) An employer, a workers' compensation insurer, or a risk
29 management pool or an agent of any such entity shall not engage in
30 unfair, deceptive, or abusive practices in relation to the method of
31 payment. No employer, workers' compensation insurer, risk management
1 pool, or agent of any such entity shall discharge, penalize, or in any
2 other manner discriminate against any employee or other person entitled
3 to compensation because such employee or other person has not consented
4 to receive payments by check or by direct deposit, prepaid card, or a
5 similar electronic payment system.
6 (j) An employer, workers' compensation insurer, or risk management
7 pool that elects to make payment using a prepaid card shall comply with
8 the requirements of 12 C.F.R. part 1005, as such part existed on April 1,
9 2018.
10 (3) (b) Fifty percent shall be added for waiting time for all
11 delinquent payments after thirty days' notice has been given of
12 disability or after thirty days from the entry of a final order, award,
13 or judgment of the Nebraska Workers' Compensation Court, except that for
14 any award or judgment against the state in excess of one hundred thousand
15 dollars which must be reviewed by the Legislature as provided in section
16 48-1,102, fifty percent shall be added for waiting time for delinquent
17 payments thirty days after the effective date of the legislative bill
18 appropriating any funds necessary to pay the portion of the award or

19 judgment in excess of one hundred thousand dollars.

20 ~~(4)(a)~~ ~~(2)(a)~~ Whenever the employer refuses payment of compensation
21 or medical payments subject to section 48-120, or when the employer
22 neglects to pay compensation for thirty days after injury or neglects to
23 pay medical payments subject to such section after thirty days' notice
24 has been given of the obligation for medical payments, and proceedings
25 are held before the compensation court, a reasonable attorney's fee shall
26 be allowed the employee by the compensation court in all cases when the
27 employee receives an award. Attorney's fees allowed shall not be deducted
28 from the amounts ordered to be paid for medical services nor shall
29 attorney's fees be charged to the medical providers.

30 (b) If the employer files an appeal from an award of a judge of the
31 compensation court and fails to obtain any reduction in the amount of
1 such award, the Court of Appeals or Supreme Court shall allow the
2 employee a reasonable attorney's fee to be taxed as costs against the
3 employer for such appeal.

4 (c) If the employee files an appeal from an order of a judge of the
5 compensation court denying an award and obtains an award or if the
6 employee files an appeal from an award of a judge of the compensation
7 court when the amount of compensation due is disputed and obtains an
8 increase in the amount of such award, the Court of Appeals or Supreme
9 Court may allow the employee a reasonable attorney's fee to be taxed as
10 costs against the employer for such appeal.

11 (d) A reasonable attorney's fee allowed pursuant to this subsection
12 shall not affect or diminish the amount of the award.

13 ~~(5)~~ ~~(3)~~ When an attorney's fee is allowed pursuant to this section,
14 there shall further be assessed against the employer an amount of
15 interest on the final award obtained, computed from the date compensation
16 was payable, as provided in section 48-119, until the date payment is
17 made by the employer. For any injury occurring prior to August 30, 2015,
18 the interest rate shall be equal to the rate of interest allowed per
19 annum under section 45-104.01, as such rate may from time to time be
20 adjusted by the Legislature. For any injury occurring on or after August
21 30, 2015, the interest rate shall be equal to six percentage points above
22 the bond investment yield, as published by the Secretary of the Treasury
23 of the United States, of the average accepted auction price for the first
24 auction of each annual quarter of the twenty-six-week United States
25 Treasury bills in effect on the date of entry of the judgment. Interest
26 shall apply only to those weekly compensation benefits awarded which have
27 accrued as of the date payment is made by the employer. If the employer
28 pays or tenders payment of compensation, the amount of compensation due
29 is disputed, and the award obtained is greater than the amount paid or
30 tendered by the employer, the assessment of interest shall be determined
31 solely upon the difference between the amount awarded and the amount
1 tendered or paid.

2 (6) For purposes of this section:

3 (a) Direct deposit means the transfer of payments into an account of
4 a financial institution chosen by the employee or other person entitled
5 to compensation; and

6 (b) Prepaid card means a prepaid debit card that provides access to
7 an account with a financial institution established directly or
8 indirectly by the employer, workers' compensation insurer, or risk
9 management pool to which payments are transferred.

10 Sec. 2. Original section 48-125, Revised Statutes Cumulative
11 Supplement, 2016, is repealed.

The Lowe amendment was adopted with 33 ayes, 0 nays, and 16 present and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 729. ER168, found on page 1366, was adopted.

Senator Wayne offered his amendment, AM2778, found on page 1374.

The Wayne amendment was adopted with 42 ayes, 0 nays, and 7 present and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 299. ER133, found on page 1023, was adopted.

Senator Ebke offered her amendment, AM2674, found on page 1282.

The Ebke amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 845. ER157, found on page 1294, was adopted.

Senator Pansing Brooks offered her amendment, AM2868, found on page 1482.

The Pansing Brooks amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 998. ER149, found on page 1254, was adopted.

Senator Walz withdrew her amendment, AM2665, found on page 1163.

Senator Walz offered her amendment, AM2713, found on page 1366.

Senator Walz moved for a call of the house. The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

The Walz amendment was adopted with 26 ayes, 5 nays, 16 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Harr withdrew his amendment, FA149, found on page 1508.

Senator Erdman requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 29 ayes, 8 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 449. ER179, found on page 1482, was adopted.

Senator Hughes offered the following motion:

MO345

Recommit to the Agriculture Committee.

Senator Hughes withdrew his motion to recommit to committee.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 194. ER180, found on page 1482, was adopted.

Senator Vargas offered the following amendment:

AM2905

(Amendments to E&R amendments, ER180)

1 1. On page 9, line 15, strike the new matter and reinstate the
2 stricken matter.

The Vargas amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 791. ER183, found on in this day's Journal, was adopted.

Senator Hansen offered his amendment, AM2847, found on page 1438.

Pending.

MOTION(S) - Return LB793 to Select File

Senator Krist moved to return LB793 to Select File for the Riepe reoffered specific amendment, AM2906, found in this day's Journal.

The Krist motion to return prevailed with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 793. The Riepe reoffered specific amendment, AM2906, found in this day's Journal, was adopted with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 488. Introduced by Erdman, 47.

WHEREAS, the National FFA Organization makes a positive difference in the lives of students by developing their potential for premier leadership, personal growth, and career success through agricultural education; and

WHEREAS, the FFA motto is, "Learning to Do, Doing to Learn, Earning to Live, Living to Serve"; and

WHEREAS, the FFA is comprised of 653,359 student members in grades seven through twelve who belong to one of 8,568 local FFA chapters throughout the United States, Puerto Rico, and the U.S. Virgin Islands; and

WHEREAS, there are more than 8,000 student members belonging to 184 local FFA chapters across Nebraska; and

WHEREAS, the ninetieth Nebraska FFA State Convention was held April 4-6, 2018, at the Pinnacle Bank Arena in Lincoln; and

WHEREAS, thirty-one students applied to serve as Nebraska FFA State Officers and were interviewed by the nominating committee; and

WHEREAS, the Nebraska FFA State Officers were selected at the Nebraska FFA State Convention; and

WHEREAS, Amanda Most was selected to be the 2018 President of the Nebraska State FFA. Amanda is a member of the Ogallala FFA chapter, which was started in 2015 when Amanda was a sophomore; and

WHEREAS, Grady Johnson of the Holdredge FFA chapter was selected to serve as the State Secretary; and

WHEREAS, Brooke Bell of the David City FFA chapter, Brytany Gama of the Omaha Bryan FFA chapter, Marie Meis of the Elgin FFA chapter, Halie Andreasen of the Boone Central FFA chapter, and Jordan Popp of the Broken Bow FFA chapter were selected to serve as State Vice Presidents.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Amanda Most, Grady Johnson, Brooke Bell, Brytany Gama, Marie Meis, Halie Andreasen, and Jordan Popp on their positions as 2018 Nebraska FFA State Officers.

2. That the 2018 Nebraska State Officers are encouraged to continue pursuing excellence in agricultural education and to exercise strong leadership as they lead the Nebraska State FFA.

3. That copies of this resolution be sent to Amanda Most, Grady Johnson, Brooke Bell, Brytany Gama, Marie Meis, Halie Andreasen, and Jordan Popp.

Laid over.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Jeanna Stavas - Nebraska Tourism Commission

Aye: 8 Blood, Brewer, Briese, Hilgers, Lowe, Murante, Thibodeau, Wayne.
Nay: 0. Absent: 0. Present and not voting: 0.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Kate Sullivan - Nebraska Accountability and Disclosure Commission

Aye: 8 Blood, Brewer, Briese, Hilgers, Lowe, Murante, Thibodeau, Wayne.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 948. Placed on Select File with amendment.

ER184

1 1. On page 1, line 2, after the first comma insert "32-202,
2 32-203,"; in line 3 after the third comma insert "60-482,"; in line 6
3 before "60-495" insert "46-753,"; and in line 8 after the third comma
4 insert "60-4,118,".
5 2. On page 34, line 24, after the first comma insert "32-202,
6 32-203,"; in line 25 before "61-206" insert "60-482,"; in line 28 before
7 "60-495" insert "46-753,"; and in line 30 after the second comma insert
8 "60-4,118,".

(Signed) Anna Wishart, Chairperson

VISITORS

Visitors to the Chamber were Ben Broderick from La Vista; 19 fourth-grade students from Plainview Public School; 12 members of Alpha Kappa Alpha Sorority, Inc. from Omaha and Lincoln; 56 fourth-grade students from Mary Our Queen School, Omaha; and 55 kindergarten through eighth-grade students from the Lincoln Chapter of Catholic School House.

RECESS

At 11:39 a.m., on a motion by Senator Brewer, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Chambers, Larson, Murante, Pansing Brooks, and Watermeier who were excused until they arrive.

EXECUTIVE BOARD REPORT

Senator Watermeier, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committee:

LR437 Committee:

Senator Bolz
Senator Geist
Senator Linehan
Senator Wayne
Senator Halloran
Senator Hughes

The committee also includes the Speaker and the members of the Rules Committee.

(Signed) Dan Watermeier, Chairperson
Legislative Council, Executive Board

SELECT FILE

LEGISLATIVE BILL 117. ER117, found on page 836, was adopted.

Senator Hilgers offered his amendment, FA148, found on page 1454.

Senator Hilgers withdrew his amendment.

Senator Kuehn withdrew his amendments, AM2867, AM2866, AM2876, and AM2877, found on pages 1465 and 1476.

Senator Kuehn offered the following amendment:

AM2911

1 1. Strike original section 8 and insert the following new section:

2 Sec. 8. A good-faith recommendation to an eligible patient regarding

3 access to treatment with an investigational drug biological product or

4 device shall not subject the health care provider to discipline or an

5 adverse licensure action.
 6 This section does not preclude any penalties under federal law,
 7 including 42 U.S.C. 1395.
 8 2. On page 2, line 8, strike "soon" and insert "likely" and after
 9 "death" insert "within six months".
 10 3. On page 3, strike beginning with "any" in line 22 through "of" in
 11 line 23; in line 23 after the semicolon insert "and"; strike beginning
 12 with "Makes" in line 24 through "(7)" in line 29; and in line 30 strike
 13 "consequent to the use".

The Kuehn amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment with 29 ayes, 9 nays, 7 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 989. ER182, found on page 1505, was adopted.

Senator Smith withdrew his amendment, AM2894, found on page 1482.

Senator Wishart withdrew her amendment, AM2896, found on page 1487.

Senator Friesen withdrew his amendment, AM2892, found on page 1492.

Senator Blood withdrew her amendment, AM2865, found on page 1501.

Senator Wishart offered the following amendment:
 AM2907

(Amendments to E & R amendments, ER182)

1 1. Insert the following new section:
 2 Sec. 11. The department is authorized to title and register,
 3 pursuant to the Motor Vehicle Certificate of Title Act and the Motor
 4 Vehicle Registration Act, automated-driving-system-equipped vehicles and
 5 driverless-capable vehicles that do not meet applicable federal motor
 6 vehicle safety standards but which have been granted an exemption by the
 7 National Highway Traffic Safety Administration.
 8 2. On page 1, line 3; page 4, lines 20, 22, and 27; and page 5,
 9 lines 2 and 6, strike "10" and insert "11".
 10 3. On page 5, line 5, strike "autonomous vehicle" and insert
 11 "automated-driving-system-equipped vehicle or a driverless-capable
 12 vehicle".

The Wishart amendment was adopted with 28 ayes, 2 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 791. Senator Hansen renewed his amendment, AM2847, found on page 1438 and considered in this day's Journal.

Senator Hansen asked unanimous consent to withdraw his amendment, AM2847, found on page 1438, and replace it with his substitute amendment, AM2909. No objections. So ordered.
AM2909

(Amendments to E&R amendments, ER183)

- 1 1. Strike section 3.
- 2 2. On page 7, line 3, strike "and"; after line 3 insert the
- 3 following new subdivision:
- 4 "(13) Have the authority to disclose to the Legislature, the
- 5 Superintendent of Law Enforcement and Public Safety, or a complainant the
- 6 status or outcome of an internal investigation or discipline of a member
- 7 of the Nebraska State Patrol; and"; and in line 4 strike "(13)" and
- 8 insert "(14)".
- 9 3. Renumber the remaining sections and correct the repealer
- 10 accordingly.

Senator Erdman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Hansen moved for a call of the house. The motion prevailed with 24 ayes, 3 nays, and 22 not voting.

Senator Hansen requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 19:

Blood	Hansen	Kolowski	Morfeld	Walz
Bolz	Harr	Krist	Pansing Brooks	Wayne
Brewer	Hilkemann	McCollister	Quick	Wishart
Crawford	Howard	McDonnell	Vargas	

Voting in the negative, 28:

Albrecht	Clements	Halloran	Lowe	Stinner
Baker	Ebke	Hilgers	Murante	Thibodeau
Bostelman	Erdman	Hughes	Riepe	Watermeier
Brasch	Friesen	Kolterman	Scheer	Williams
Briese	Geist	Kuehn	Schumacher	
Chambers	Groene	Linehan	Smith	

Present and not voting, 1:

Lindstrom

Excused and not voting, 1:

Larson

The Hansen amendment lost with 19 ayes, 28 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 489. Introduced by Linehan, 39; Wayne, 13.

WHEREAS, the robotics teams from Douglas County West Community Schools (DC West) participated in the U.S. Open Robotics Championship in Council Bluffs, Iowa on April 5 - 7, 2018; and

WHEREAS, DC West Team 8675A (Fuzzy Wuzzy 2.0) finished the qualification matches as the only undefeated team (10-0) out of the ninety-one teams in the division; and

WHEREAS, Fuzzy Wuzzy 2.0 became the number one alliance captain before going on to win the division and then the entire tournament; and

WHEREAS, Fuzzy Wuzzy 2.0 officially became the U.S. Open Champions for 2018, which is the first high school national championship for a DC West robotics team; and

WHEREAS, DC West Team 8675D/B (a combined team of Old King Cole and Humpty Dumpty) finished qualification matches at 8-2 and were selected by the number one alliance; and

WHEREAS, the Old King Cole/Humpty Dumpty team became the U.S. Open Champions in the open division, which was the second national championship of the day for a DC West robotics team; and

WHEREAS, DC West Team 8675C (Black Sheep) finished qualification matches at 6-4 in thirty-third place; and

WHEREAS, the Black Sheep were selected by the number ten alliance, but were defeated in the round of sixteen. The Black Sheep finished their season on a high, having made the elimination rounds at their final tournament; and

WHEREAS, Fuzzy Wuzzy 2.0 will enter the VEX World Championships as one of the favorites to win the competition in Kentucky at the end of April.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Douglas County West Community Schools Robotics Teams on their victories at the U.S. Open Robotics Championship.

2. That copies of this resolution be sent to Douglas County West Community Schools Superintendent Dr. Melissa Poloncic and Coaches Dan Maline and Kathy Maline.

Laid over.

LEGISLATIVE RESOLUTION 490. Introduced by Riepe, 12.

WHEREAS, Jocelyn Muhammad is a 2015 graduate from Millard South High School and has excelled in her profession in the arts since graduating; and

WHEREAS, the Millard Public Schools Foundation honors alumni who graduated from Millard Public Schools and have excelled after graduation; and

WHEREAS, Jocelyn Muhammad has been honored by the Millard Public Schools Foundation as an inductee into the 2018 Alumni Hall of Fame.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature expresses its congratulations to Jocelyn Muhammad for her achievements in her career thus far and on being inducted into Millard Public Schools Foundation Alumni Hall of Fame.

2. That copies of this resolution be sent to Jocelyn Muhammad and the Millard Public Schools Foundation.

Laid over.

LEGISLATIVE RESOLUTION 491. Introduced by Riepe, 12.

WHEREAS, Sonia Garcia Martinez has surpassed expectations in her coursework at Ralston High School to develop her knowledge of language and cultural diversity; and

WHEREAS, the Nebraska Department of Education honors students for their commitment to learning a new language and appreciation of the importance of cultural diversity with the World Language Distinguished Scholar Award; and

WHEREAS, Mrs. Jamie Honke, a Spanish teacher at Ralston High School, nominated Sonia Garcia Martinez for the World Language Distinguished Scholar Award; and

WHEREAS, the Nebraska Department of Education selects one student to receive the World Language Distinguished Scholar Award from each educational service unit to represent each level of language learning; and

WHEREAS, the Nebraska Department of Education selected Sonia Garcia Martinez to receive the World Language Distinguished Scholar Award for Education Service Unit 3 to represent the highest level of language learning.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature expresses its congratulations for the extraordinary efforts Sonia Garcia Martinez has shown to further develop her knowledge of cultural diversity and language.

2. That copies of this resolution be sent to Sonia Garcia Martinez, Jamie Honke, and the Nebraska Department of Education.

Laid over.

LEGISLATIVE RESOLUTION 492. Introduced by Riepe, 12.

WHEREAS, Tim Leuschen has served as a biology teacher and high school basketball coach at Millard South High School for fifteen years; and

WHEREAS, the Millard Public Schools Foundation provides resources and educational opportunities for students attending Millard Public Schools; and

WHEREAS, the Millard Public Schools Foundation honors educators for their outstanding efforts to further develop educational experiences and opportunities for students at Millard Public Schools; and

WHEREAS, Tim Leuschen has been honored with the Millard Public Schools Foundation Caryl and Katherine Brown Award for Excellence in High School Teaching for 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature expresses its appreciation for the service Tim Leuschen has provided as an educator at Millard South High School.

2. That copies of this resolution be sent to Tim Leuschen and the Millard Public Schools Foundation.

Laid over.

LEGISLATIVE RESOLUTION 493. Introduced by Riepe, 12.

WHEREAS, Tony Pane has served as a high school baseball coach at Millard South High School from 1966 to 2002; and

WHEREAS, the Millard Public Schools Foundation provides resources and educational opportunities for students attending Millard Public Schools; and

WHEREAS, the Millard Public Schools Foundation honors educators for their outstanding efforts to further develop educational experiences and opportunities for students at Millard Public Schools; and

WHEREAS, Tony Pane has been chosen as one of the inductees into the Millard Public Schools Foundation 2018 Hall of Fame for Excellence in Coaching or Activities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature expresses its appreciation for the service Tony Pane has provided as an educator and coach at Millard South High School.

2. That copies of this resolution be sent to Tony Pane and the Millard Public Schools Foundation.

Laid over.

LEGISLATIVE RESOLUTION 494. Introduced by Riepe, 12.

WHEREAS, Tricia Gillett has served as a speech pathologist at Millard Public Schools for nine years; and

WHEREAS, the Millard Public Schools Foundation provides resources and educational opportunities for students attending Millard Public Schools; and

WHEREAS, the Millard Public Schools Foundation honors educators for their outstanding efforts to further develop educational experiences and opportunities for students at Millard Public Schools; and

WHEREAS, Tricia Gillett has been honored with the Millard Public Schools Foundation Broadmoor Award for Excellence in High School Teaching for 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature expresses its appreciation for the service Tricia Gillett has provided as an educator at Millard South High School.

2. That copies of this resolution be sent to Tricia Gillett and the Millard Public Schools Foundation.

Laid over.

SELECT FILE

LEGISLATIVE BILL 791. Senator Hansen offered his amendment, AM2903, found on page 1503.

Senator Ebke offered the following motion:

MO349

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Ebke moved for a call of the house. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Ebke requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 34:

Albrecht	Clements	Hilgers	Lowe	Smith
Baker	Ebke	Hilkemann	McCollister	Stinner
Bostelman	Erdman	Hughes	Morfeld	Thibodeau
Brasch	Friesen	Kolterman	Murante	Watermeier
Brewer	Geist	Kuehn	Riepe	Williams
Briese	Groene	Lindstrom	Scheer	Wishart
Chambers	Halloran	Linehan	Schumacher	

Voting in the negative, 5:

Bolz	Hansen	Kolowski	Krist	Quick
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Present and not voting, 9:

Blood	Harr	McDonnell	Vargas	Wayne
Crawford	Howard	Pansing Brooks	Walz	

Excused and not voting, 1:

Larson

The Ebke motion to invoke cloture prevailed with 34 ayes, 5 nays, 9 present and not voting, and 1 excused and not voting.

The Hansen amendment, AM2903, lost with 17 ayes, 26 nays, 5 present and not voting, and 1 excused and not voting.

Senator Krist requested a record vote on the advancement of the bill.

Voting in the affirmative, 37:

Albrecht	Clements	Hilkemann	McCollister	Thibodeau
Baker	Ebke	Hughes	Morfeld	Vargas
Blood	Erdman	Kolowski	Murante	Watermeier
Bostelman	Friesen	Kolterman	Riepe	Williams
Brasch	Geist	Kuehn	Scheer	Wishart
Brewer	Groene	Lindstrom	Schumacher	
Briese	Halloran	Linehan	Smith	
Chambers	Hilgers	Lowe	Stinner	

Voting in the negative, 4:

Bolz	Hansen	Krist	Quick
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Present and not voting, 7:

Crawford	Howard	Pansing Brooks	Wayne
Harr	McDonnell	Walz	

Excused and not voting, 1:

Larson

Advanced to Enrollment and Review for Engrossment with 37 ayes, 4 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 670. Placed on Final Reading.

ST67

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Vargas amendment, AM2874, sections 4, 6, 7, 12, and 13 have been renumbered as sections 3, 5, 6, 11, and 12, respectively.

2. In the Ebke amendment, AM 2822, on page 1, line 2, the matter beginning with "3" in line 2 through "15" has been struck and "4, 7, 8, 15, 16, 17, and 20" inserted.

3. In the E&R amendments, ER173, section 15 has been struck and the following new section inserted:

Sec. 19. Original sections 43-251.01, 43-260.01, 43-2401, 43-2404.01, 43-2404.02, 43-2409, 43-2411, and 43-2412, Reissue Revised Statutes of Nebraska, and section 43-253, Revised Statutes Supplement, 2017, are repealed.

4. On page 1, the matter beginning with "the" in line 1 through line 8 and all amendments thereto have been struck and "juveniles; to amend sections 43-248, 43-250, 43-251.01, 43-251.02, 43-260.01, 43-1238, 43-2401, 43-2404.01, 43-2404.02, 43-2409, 43-2411, and 43-2412, Reissue Revised Statutes of Nebraska, sections 71-1940, 83-4,125, and 83-4,134.01, Revised Statutes Cumulative Supplement, 2016, and sections 43-253 and 43-286, Revised Statutes Supplement, 2017; to eliminate obsolete provisions; to change provisions relating to temporary custody of a juvenile, referral of children and parents to community-based providers, and procedures for alleged violations of probation, supervision, or court orders by juveniles; to change provisions relating to placement and detention of juveniles; to provide for an additional use of funds under the Community-based Juvenile Services Aid Program; to provide for jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act to make factual findings as prescribed; to change provisions relating to the membership, powers, and duties of the Nebraska Coalition for Juvenile Justice; to change grounds for licensure and disciplinary actions under the Children's Residential Facilities and Placing Licensure Act; to redefine a term; to change provisions relating to room confinement of juveniles; to eliminate the position of coordinator for the Nebraska Coalition for Juvenile Justice; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal

section 43-2413, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

LEGISLATIVE BILL 731. Placed on Final Reading.

LEGISLATIVE BILL 731A. Placed on Final Reading.

LEGISLATIVE BILL 807. Placed on Final Reading.

ST65

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM2392:
 - a. On page 3, line 23, "5" has been struck and "6" inserted; and
 - b. On page 4, line 3, "4" has been struck and "5" inserted.
2. On page 1, line 3 and all amendments thereto have been struck and "the United States Capitol as prescribed; to create committees and cash funds;" inserted; and in line 4 "; and to declare an emergency" has been inserted after "duties".

LEGISLATIVE BILL 807A. Placed on Final Reading.

LEGISLATIVE BILL 1120. Placed on Final Reading.

ST66

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E&R amendments, ER172:
 - a. On page 17, line 20, "15 and 17 to 21" has been struck and "31 and 33 to 37" inserted;
 - b. On page 20, line 7, "17" has been struck and "33" inserted;
 - c. On page 22, the matter beginning with "53-1,115" in line 29 through line 31 has been struck and "53-116.01, 53-116.02, 53-119.01, 53-134.03, 53-134.04, 53-135.01, 53-138.01, 53-148.01, 53-1,115, 59-1401, 59-1403, 59-1404, 59-1405, and 59-1406, Reissue Revised Statutes of Nebraska, and sections 53-101, 53-103, 53-117, 53-123, 53-123.15, 53-124, 53-124.01, 53-129, 53-131, 53-132, 53-133, 53-134, 53-134.01, 53-135, 53-177, 53-177.01, 53-186.01, and 53-1,100," inserted; and
 - d. On page 23, line 1, the matter beginning with "53-123.15" through the last comma has been struck; and in line 11 "to" has been inserted after the semicolon.

(Signed) Anna Wishart, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 495. Introduced by McDonnell, 5.

WHEREAS, Matthew Oliver Ricketts was born of a slave family on April 3, 1858, near New Castle, in Henry County, Kentucky; and

WHEREAS, after moving to Missouri with his parents and earning a degree from the Lincoln Institute (now Lincoln University of Missouri) in

Jefferson City, Matthew Ricketts moved to Omaha in 1880 and gained admission to the Omaha Medical College; and

WHEREAS, Matthew Oliver Ricketts received a medical degree in March 1884, graduating with honors and becoming the first black person to graduate from a Nebraska college or university and the first black person to become a doctor in the state; and

WHEREAS, upon graduation, Doctor Ricketts married Alice Nelson and they raised a family of three children: Richard, Alma, and Helen; and

WHEREAS, Doctor Ricketts became known for his skill as a physician and public speaker, endeavoring to improve the public welfare; and

WHEREAS, Doctor Ricketts is credited with the creation of the Negro Fire Department Company in Omaha in 1895 and was a leader of the Prince Hall Masons; and

WHEREAS, Dr. Ricketts was the first black person elected to the Nebraska House of Representatives, where he served two terms, from 1892 through 1896; and

WHEREAS, Dr. Ricketts, as a Republican, led the debate on important issues of the time; his bill to end the ban on miscegenation passed but was vetoed by the Governor, Silas A. Holcomb; and

WHEREAS, Dr. Ricketts sponsored one bill that amended the Nebraska Civil Rights Bill of 1865 to change "citizen" to "person" and another bill which, when enacted, prohibited the denial of services in public places to anyone on account of race; and

WHEREAS, Dr. Ricketts died January 15, 1917, in St. Joseph, Missouri, where he had continued his practice of medicine and played a prominent role in the politics of the city after he moved his family there in 1903; and

WHEREAS, Dr. Ricketts dedicated his life to his family, his faith, his profession, and his community, excelling despite poverty, racism, and the other limitations of his era and thereby setting an example for Nebraskans today.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature designates April 3, 2019, as Dr. Matthew Oliver Ricketts Day in Nebraska.

2. That all Nebraskans are encouraged to join together to recognize, commemorate, and celebrate the history, accomplishments, and example of Dr. Matthew Oliver Ricketts.

3. That all Nebraskans are encouraged to study civil rights and the lives of other Nebraskans who excelled and contributed to their communities despite hardships.

Laid over.

SELECT FILE

LEGISLATIVE BILL 496. Senator Williams asked unanimous consent to withdraw his amendment, AM1378, found on page 1511 and considered on page 1565, First Session, 2017, and replace it with the following substitute amendment, AM2887. No objections. So ordered.

AM2887

1 1. Insert the following new sections:

2 Section 1. Section 18-2101, Revised Statutes Cumulative Supplement,

3 2016, is amended to read:

4 18-2101 Sections 18-2101 to 18-2144 and section 3 of this act shall

5 be known and may be cited as the Community Development Law.

6 Sec. 3. Prior to approving a redevelopment project to carry out the

7 construction of workforce housing, a governing body shall (1) receive a

8 housing study which is current within twenty-four months, (2) prepare an

9 incentive plan for construction of housing in the municipality targeted

10 to house existing or new workers, (3) hold a public hearing on such

11 incentive plan with notice which complies with the conditions set forth

12 in section 18-2115, and (4) after the public hearing find that such

13 incentive plan is necessary to prevent the spread of blight and

14 substandard conditions within the municipality, will promote additional

15 safe and suitable housing for individuals and families employed in the

16 municipality, and will not result in the unjust enrichment of any

17 individual or company. A public hearing held under this section shall be

18 separate from any public hearing held under section 18-2115.

19 2. On page 5, strike beginning with "cities" in line 12 through

20 "villages" in line 13 and insert "a rural community".

21 3. On page 7, line 18, strike "and"; and strike lines 19 through 29

22 and all amendments thereto and insert the following new subdivisions:

23 "(30) Rural community means any municipality in a county with a

24 population of fewer than one hundred thousand inhabitants as determined

25 by the most recent federal decennial census; and

26 (31) Workforce housing means:

27 (a) Housing that meets the needs of today's working families;

1 (b) Housing that is attractive to new residents considering

2 relocation to a rural community;

3 (c) Owner-occupied housing units that cost not more than two hundred

4 seventy-five thousand dollars to construct or rental housing units that

5 cost not more than two hundred thousand dollars per unit to construct.

6 For purposes of this subdivision (c), housing unit costs shall be updated

7 annually by the Department of Economic Development based upon the most

8 recent increase or decrease in the Producer Price Index for all

9 commodities, published by the United States Department of Labor, Bureau

10 of Labor Statistics;

11 (d) Owner-occupied and rental housing units for which the cost to

12 substantially rehabilitate exceeds fifty percent of a unit's assessed

13 value; and

14 (e) Upper-story housing."

15 4. Renumber the remaining sections and correct the repealer

16 accordingly.

SPEAKER SCHEER PRESIDING

Senator Wayne offered the following amendment to the Williams amendment:

AM2914

(Amendments to AM2887)

- 1 1. On page 1, line 20, after "community" insert "or in an extremely
- 2 blighted area within a municipality that is not a rural community"; and
- 3 strike lines 23 through 27 and insert:
- 4 "(30) Extremely blighted area means a substandard and blighted area
- 5 in which: (a) The average rate of unemployment in the area during the
- 6 period covered by the most recent federal decennial census is at least
- 7 two hundred percent of the average rate of unemployment in the state
- 8 during the same period; and (b) the average poverty rate in the area
- 9 exceeds twenty percent for the total federal census tract or tracts or
- 10 federal census block group or block groups in the area;
- 11 (31) Rural community means any municipality in a county with a
- 12 population of fewer than one hundred thousand inhabitants as determined
- 13 by the most recent federal decennial census; and
- 14 (32) Workforce housing means:
- 15 (a) Housing that meets the needs of today's working families."

Senator Stinner offered the following motion:

MO350

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner moved for a call of the house. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

Senator Stinner requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 33:

Albrecht	Hansen	Kolterman	Pansing Brooks	Vargas
Baker	Harr	Krist	Quick	Walz
Blood	Hilgers	Lindstrom	Riepe	Wayne
Bolz	Hilkemann	McCollister	Scheer	Williams
Chambers	Howard	McDonnell	Smith	Wishart
Crawford	Hughes	Morfeld	Stinner	
Ebke	Kolowski	Murante	Thibodeau	

Voting in the negative, 11:

Bostelman	Erdman	Halloran	Schumacher
Brasch	Friesen	Kuehn	Watermeier
Briese	Groene	Lowe	

Present and not voting, 4:

Clements Geist Larson Linehan

Excused and not voting, 1:

Brewer

The Stinner motion to invoke cloture prevailed with 33 ayes, 11 nays, 4 present and not voting, and 1 excused and not voting.

Senator Stinner requested a roll call vote, in reverse order, on the Wayne amendment, AM2914.

Voting in the affirmative, 39:

Albrecht	Friesen	Kolowski	Morfeld	Stinner
Baker	Geist	Kolterman	Murante	Thibodeau
Blood	Hansen	Krist	Pansing Brooks	Vargas
Bolz	Harr	Kuehn	Quick	Walz
Bostelman	Hilgers	Larson	Riepe	Wayne
Chambers	Hilkemann	Lindstrom	Scheer	Williams
Crawford	Howard	McCollister	Schumacher	Wishart
Ebke	Hughes	McDonnell	Smith	

Voting in the negative, 1:

Erdman

Present and not voting, 8:

Brasch	Clements	Halloran	Lowe
Briese	Groene	Linehan	Watermeier

Excused and not voting, 1:

Brewer

The Wayne amendment was adopted with 39 ayes, 1 nay, 8 present and not voting, and 1 excused and not voting.

The Williams amendment, AM2887, as amended, was adopted with 34 ayes, 6 nays, 8 present and not voting, and 1 excused and not voting.

Senator Watermeier requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 34:

Albrecht	Geist	Kolowski	Murante	Thibodeau
Baker	Hansen	Kolterman	Pansing Brooks	Vargas
Blood	Harr	Krist	Quick	Walz
Bolz	Hilgers	Lindstrom	Riepe	Wayne
Chambers	Hilkemann	McCollister	Scheer	Williams
Crawford	Howard	McDonnell	Smith	Wishart
Ebke	Hughes	Morfeld	Stinner	

Voting in the negative, 6:

Erdman	Groene	Schumacher
Friesen	Kuehn	Watermeier

Present and not voting, 8:

Bostelman	Briese	Halloran	Linehan
Brasch	Clements	Larson	Lowe

Excused and not voting, 1:

Brewer

Advanced to Enrollment and Review for Engrossment with 34 ayes, 6 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 873. Placed on Final Reading.

ST60

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER170:
 - a. On page 2, line 26, "and" has been struck and after the last comma "77-2602, and 77-2701.04," inserted; and
 - b. On page 3, line 23, "sections 90-552 and 90-553, Revised Statutes Cumulative Supplement, 2016," has been inserted after the first comma.
2. In the Morfeld amendment, AM2519:
 - a. Section 344 has been renumbered as section 346; and
 - b. On page 2, line 24, "344" has been struck and "346" inserted.
3. In the Standing Committee amendments, AM2065, on page 247; line 12, "and" has been struck and after the fifth comma "and 90-106," inserted; in line 25 "and" has been struck and after the third comma "77-2602, and 77-2701.04," inserted; and in line 28 "and" has been struck and after the third comma "and 77-2701," inserted.

LEGISLATIVE BILL 953. Placed on Final Reading.

LEGISLATIVE BILL 1034. Placed on Final Reading.
LEGISLATIVE BILL 1034A. Placed on Final Reading.
LEGISLATIVE BILL 1065. Placed on Final Reading.
LEGISLATIVE BILL 1065A. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 496. Introduced by Blood, 3; Crawford, 45; McDonnell, 5; Vargas, 7; Wayne, 13.

WHEREAS, the Omaha Bryan boys' basketball team qualified for the Class A Boys' State Basketball Championship for the first time since 2012; and

WHEREAS, the Bryan Bears boys' basketball team defeated the Lincoln East Spartans with a dramatic three point buzzer beater in the first round of the tournament before falling to Creighton Prep, the eventual state champions, in the semifinals; and

WHEREAS, the Bryan boys' basketball team ended the 2017-18 regular season with nineteen wins and only five losses; and

WHEREAS, just three years prior, during the 2014-15 season, the Bears earned just one win; and

WHEREAS, Coach Terrence O'Donnell led the transformation of the team through an emphasis on hard work, personal accountability, holistic development, and sacrifice; and

WHEREAS, Coach Terrence O'Donnell was recently named the Class A boys Coach of the Year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature expresses its congratulations to the Omaha Bryan boys' basketball team for a great season and Coach Terrence O'Donnell for being named the Class A boys Coach of the Year.

2. That copies of this resolution be sent to the Omaha Bryan boys' basketball team and Coach Terrence O'Donnell.

Laid over.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 299. Placed on Final Reading.

LEGISLATIVE BILL 729. Placed on Final Reading.

LEGISLATIVE BILL 845. Placed on Final Reading.

ST68

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "custody" in line 1 through line 4 and all amendments thereto has been struck and "families; to amend sections

30-1601, 30-2201, and 42-364, Reissue Revised Statutes of Nebraska, and sections 42-1301, 42-1302, 42-1303, and 42-1304, Revised Statutes Supplement, 2017; to define terms; to provide, change, and transfer provisions relating to denial of family member visitation and court proceedings related thereto; to state findings and to prohibit a preference in child custody determinations based on disability; to harmonize provisions; and to repeal the original sections." inserted.

LEGISLATIVE BILL 957. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

SELECT FILE

LEGISLATIVE BILL 948. ER184, found in this day's Journal, was adopted.

Senator Harr offered the following motion:

MO346

Bracket until April 11, 2018.

SPEAKER SCHEER PRESIDING

SENATOR HILGERS PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 117. Placed on Final Reading.

ST70

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Kuehn amendment, AM2911, on page 1, line 3, an underscored comma has been inserted after "drug" and after "product".
2. The Standing Committee amendment, AM46, has been struck.

LEGISLATIVE BILL 194. Placed on Final Reading.

ST71

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER180, on page 17, line 11, "and distribution of fines" was stricken and "distribution and amount of fines, and cease and desist orders" inserted.

LEGISLATIVE BILL 449. Placed on Final Reading.

LEGISLATIVE BILL 793. Placed on Final Reading.

LEGISLATIVE BILL 998. Placed on Final Reading.

LEGISLATIVE BILL 791. Placed on Final Reading.

LEGISLATIVE BILL 989. Placed on Final Reading.

ST69

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER182, on page 5, line 11, "and" has been struck and ", and on-demand driverless-capable vehicle networks" inserted after "vehicles".

(Signed) Anna Wishart, Chairperson

SELECT FILE

LEGISLATIVE BILL 291. ER55, found on page 993, First Session, 2017, was adopted.

Senator Smith offered the following amendment:

FA162

Amend ER55

On page 2, line 24 strike "2018" and insert "2019" and on page 2, line 29 strike "2018" and insert "2019".

Pending.

SPEAKER SCHEER PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 497.

A BILL FOR AN ACT relating to veterans; to amend sections 48-227, 48-238, and 71-1382.01, Revised Statutes Cumulative Supplement, 2016; to change references to a federal form relating to veterans; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Ebke	Howard	McCollister	Smith
Baker	Erdman	Hughes	McDonnell	Stinner
Blood	Friesen	Kolowski	Morfeld	Thibodeau
Bolz	Geist	Kolterman	Murante	Vargas
Bostelman	Halloran	Kuehn	Pansing Brooks	Walz
Brasch	Hansen	Larson	Quick	Watermeier
Briese	Harr	Lindstrom	Riepe	Wayne
Chambers	Hilgers	Linehan	Scheer	Williams
Clements	Hilkemann	Lowe	Schumacher	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Brewer	Crawford	Groene	Krist
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 629.

A BILL FOR AN ACT relating to commercial motor vehicles; to amend sections 60-462, 60-4,131, 60-4,131.01, and 60-4,132, Revised Statutes Cumulative Supplement, 2016; to exempt certain commercial driver's license holders from hazardous materials endorsement requirements as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Ebke	Howard	McCollister	Smith
Baker	Erdman	Hughes	McDonnell	Stinner
Blood	Friesen	Kolowski	Morfeld	Thibodeau
Bolz	Geist	Kolterman	Murante	Vargas
Bostelman	Halloran	Kuehn	Pansing Brooks	Walz
Brasch	Hansen	Larson	Quick	Watermeier
Briese	Harr	Lindstrom	Riepe	Wayne
Chambers	Hilgers	Linehan	Scheer	Williams
Clements	Hilkemann	Lowe	Schumacher	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Brewer	Crawford	Groene	Krist
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 682.

A BILL FOR AN ACT relating to servicemembers; to define terms; to provide consumer protection and civil relief as prescribed; and to provide a duty for the National Guard.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Ebke	Howard	McCollister	Smith
Baker	Erdman	Hughes	McDonnell	Stinner
Blood	Friesen	Kolowski	Morfeld	Thibodeau
Bolz	Geist	Kolterman	Murante	Vargas
Bostelman	Halloran	Kuehn	Pansing Brooks	Walz
Brasch	Hansen	Larson	Quick	Watermeier
Briese	Harr	Lindstrom	Riepe	Wayne
Chambers	Hilgers	Linehan	Scheer	Williams
Clements	Hilkemann	Lowe	Schumacher	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Brewer	Crawford	Groene	Krist
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 701.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-2001, Reissue Revised Statutes of Nebraska, and sections 38-101 and 38-105, Revised Statutes Supplement, 2017; to define terms; to provide for telehealth practice; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Ebke	Howard	McCollister	Smith
Baker	Erdman	Hughes	McDonnell	Stinner
Blood	Friesen	Kolowski	Morfeld	Thibodeau
Bolz	Geist	Kolterman	Murante	Vargas
Bostelman	Halloran	Kuehn	Pansing Brooks	Walz
Brasch	Hansen	Larson	Quick	Watermeier
Briese	Harr	Lindstrom	Riepe	Wayne
Chambers	Hilgers	Linehan	Scheer	Williams
Clements	Hilkemann	Low	Schumacher	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Brewer	Crawford	Groene	Krist
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 708.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend section 43-246.02, Revised Statutes Supplement, 2017; to change provisions relating to bridge orders, including required criteria, obtaining child custody determinations from foreign jurisdictions, payment of filing fees and court costs, and jurisdiction of certain courts; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Ebke	Howard	McDonnell	Stinner
Baker	Erdman	Hughes	Morfeld	Thibodeau
Blood	Friesen	Kolowski	Murante	Vargas
Bolz	Geist	Kolterman	Pansing Brooks	Walz
Bostelman	Halloran	Kuehn	Quick	Watermeier
Brasch	Hansen	Larson	Riepe	Wayne
Briese	Harr	Lindstrom	Scheer	Williams
Chambers	Hilgers	Linehan	Schumacher	Wishart
Clements	Hilkemann	McCollister	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Low

Excused and not voting, 4:

Brewer Crawford Groene Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 717.

A BILL FOR AN ACT relating to the Quality Child Care Act; to amend section 43-2606, Reissue Revised Statutes of Nebraska; to change provisions relating to training requirements; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Ebke	Hughes	McDonnell	Stinner
Baker	Erdman	Kolowski	Morfeld	Thibodeau
Blood	Geist	Kolterman	Murante	Vargas
Bolz	Halloran	Kuehn	Pansing Brooks	Walz
Bostelman	Hansen	Larson	Quick	Watermeier
Brasch	Harr	Lindstrom	Riepe	Wayne
Briese	Hilgers	Linehan	Scheer	Williams
Chambers	Hilkemann	Lowe	Schumacher	Wishart
Clements	Howard	McCollister	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Friesen

Excused and not voting, 4:

Brewer Crawford Groene Krist

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 732.

A BILL FOR AN ACT relating to the Nebraska Children's Commission; to amend sections 43-4203, 43-4207, and 43-4513, Reissue Revised Statutes of Nebraska, and section 43-4218, Revised Statutes Supplement, 2017; to change reporting dates for the commission and committees appointed by the commission; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Ebke	Howard	McCollister	Smith
Baker	Erdman	Hughes	McDonnell	Stinner
Blood	Friesen	Kolowski	Morfeld	Thibodeau
Bolz	Geist	Kolterman	Murante	Vargas
Bostelman	Halloran	Kuehn	Pansing Brooks	Walz
Brasch	Hansen	Larson	Quick	Watermeier
Briese	Harr	Lindstrom	Riepe	Wayne
Chambers	Hilgers	Linehan	Scheer	Williams
Clements	Hilkemann	Lowe	Schumacher	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Brewer	Crawford	Groene	Krist
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 733.

A BILL FOR AN ACT relating to the County Highway and City Street Superintendents Act; to amend sections 39-2308, 39-2308.01, and 39-2308.03, Reissue Revised Statutes of Nebraska; to change provisions relating to Class A and Class B licenses for county highway superintendents and city street superintendents; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Albrecht	Ebke	Howard	McCollister	Smith
Baker	Erdman	Hughes	McDonnell	Stinner
Blood	Friesen	Kolowski	Morfeld	Thibodeau
Bolz	Geist	Kolterman	Murante	Vargas
Bostelman	Halloran	Kuehn	Pansing Brooks	Walz
Brasch	Hansen	Larson	Quick	Watermeier
Briese	Harr	Lindstrom	Riepe	Wayne
Chambers	Hilgers	Linehan	Scheer	Williams
Clements	Hilkemann	Lowe	Schumacher	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Brewer	Crawford	Groene	Krist
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 742. With Emergency Clause.

A BILL FOR AN ACT relating to the Franchise Practices Act; to amend section 87-404, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to noncompete agreements; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Albrecht	Ebke	Howard	McCollister	Smith
Baker	Erdman	Hughes	McDonnell	Stinner
Blood	Friesen	Kolowski	Morfeld	Thibodeau
Bolz	Geist	Kolterman	Murante	Vargas
Bostelman	Halloran	Kuehn	Pansing Brooks	Walz
Brasch	Hansen	Larson	Quick	Watermeier
Briese	Harr	Lindstrom	Riepe	Wayne
Chambers	Hilgers	Linehan	Scheer	Williams
Clements	Hilkemann	Lowe	Schumacher	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Brewer	Crawford	Groene	Krist
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 749.

A BILL FOR AN ACT relating to the Secretary of State; to amend section 33-101, Reissue Revised Statutes of Nebraska, and section 21-1905, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to recording and filing fees; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Ebke	Howard	McCollister	Smith
Baker	Erdman	Hughes	McDonnell	Stinner
Blood	Friesen	Kolowski	Morfeld	Thibodeau
Bolz	Geist	Kolterman	Murante	Vargas
Bostelman	Halloran	Kuehn	Pansing Brooks	Walz
Brasch	Hansen	Larson	Quick	Watermeier
Briese	Harr	Lindstrom	Riepe	Wayne
Chambers	Hilgers	Linehan	Scheer	Williams
Clements	Hilkemann	Lowe	Schumacher	Wishart

Voting in the negative, 0.

Excused and not voting, 4:

Brewer	Crawford	Groene	Krist
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 766.

A BILL FOR AN ACT relating to division fences; to amend section 34-112.02, Reissue Revised Statutes of Nebraska; to change provisions relating to construction, maintenance, repair, and notice; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Erdman	Kolowski	Morfeld	Vargas
Baker	Friesen	Kolterman	Murante	Walz
Blood	Geist	Krist	Pansing Brooks	Watermeier
Bolz	Halloran	Kuehn	Quick	Wayne
Bostelman	Hansen	Larson	Riepe	Williams
Brasch	Harr	Lindstrom	Scheer	Wishart
Briese	Hilgers	Linehan	Schumacher	
Chambers	Hilkemann	Lowe	Smith	
Clements	Howard	McCollister	Stinner	
Ebke	Hughes	McDonnell	Thibodeau	

Voting in the negative, 0.

Excused and not voting, 3:

Brewer	Crawford	Groene
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB786 with 40 ayes, 3 nays, 3 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 786.

A BILL FOR AN ACT relating to county government; to amend sections 23-1304, 23-1311, 23-1402, 23-1403, 23-1602, 23-1603, 23-1605, 23-1612, 23-2504, 23-2506, 23-2507, 23-2510, 23-2514, and 23-2528, Reissue Revised Statutes of Nebraska; to change terminology; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Ebke	Hughes	McDonnell	Stinner
Baker	Friesen	Kolowski	Morfeld	Thibodeau
Blood	Geist	Kolterman	Murante	Vargas
Bolz	Halloran	Krist	Pansing Brooks	Walz
Bostelman	Hansen	Kuehn	Quick	Watermeier
Brasch	Harr	Larson	Riepe	Wayne
Briese	Hilgers	Lindstrom	Scheer	Williams
Chambers	Hilkemann	Linehan	Schumacher	Wishart
Clements	Howard	McCollister	Smith	

Voting in the negative, 1:

Erdman

Present and not voting, 1:

Lowe

Excused and not voting, 3:

Brewer Crawford Groene

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 799.

A BILL FOR AN ACT relating to the Surplus Lines Insurance Act; to amend section 44-5512, Reissue Revised Statutes of Nebraska, and section 44-5511, Revised Statutes Cumulative Supplement, 2016; to change filing deadlines; to change procedures related to sanctions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Ebke	Howard	McCollister	Smith
Baker	Erdman	Hughes	McDonnell	Stinner
Blood	Friesen	Kolowski	Morfeld	Thibodeau
Bolz	Geist	Krist	Murante	Vargas
Bostelman	Halloran	Kuehn	Pansing Brooks	Walz
Brasch	Hansen	Larson	Quick	Watermeier
Briese	Harr	Lindstrom	Riepe	Wayne
Chambers	Hilgers	Linehan	Scheer	Williams
Clements	Hilkemann	Lowe	Schumacher	Wishart

Voting in the negative, 0.

Present and not voting, 1:

Kolterman

Excused and not voting, 3:

Brewer Crawford Groene

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB812 with 42 ayes, 1 nay, 3 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 812. With Emergency Clause.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-135, 8-143.01, 8-157.01, 8-167.01, 8-183.04, 8-1,140, 8-318, 8-355, and 21-17,115, Revised Statutes Supplement, 2017; to adopt certain federal

provisions; to revise powers of state-chartered banks, building and loan associations, and credit unions; to eliminate obsolete provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Albrecht	Erdman	Kolowski	Morfeld	Vargas
Baker	Friesen	Kolterman	Murante	Walz
Blood	Geist	Krist	Pansing Brooks	Watermeier
Bolz	Halloran	Kuehn	Quick	Wayne
Bostelman	Hansen	Larson	Riepe	Williams
Brasch	Harr	Lindstrom	Scheer	Wishart
Briese	Hilgers	Linehan	Schumacher	
Chambers	Hilkemann	Lowe	Smith	
Clements	Howard	McCollister	Stinner	
Ebke	Hughes	McDonnell	Thibodeau	

Voting in the negative, 0.

Excused and not voting, 3:

Brewer Crawford Groene

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB815 with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 815.

A BILL FOR AN ACT relating to insurance; to amend section 44-416.09, Reissue Revised Statutes of Nebraska, and sections 44-416.06 and 44-416.07, Revised Statutes Cumulative Supplement, 2016; to provide regulatory authority regarding reinsurance as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Ebke	Howard	McCollister	Smith
Baker	Erdman	Hughes	McDonnell	Stinner
Blood	Friesen	Kolowski	Morfeld	Thibodeau
Bolz	Geist	Kolterman	Murante	Vargas
Bostelman	Halloran	Kuehn	Pansing Brooks	Walz
Brasch	Hansen	Larson	Quick	Watermeier
Briese	Harr	Lindstrom	Riepe	Wayne
Chambers	Hilgers	Linehan	Scheer	Williams
Clements	Hilkemann	Lowe	Schumacher	Wishart

Voting in the negative, 0.

Present and not voting, 1:

Krist

Excused and not voting, 3:

Brewer Crawford Groene

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 840.

A BILL FOR AN ACT relating to the Foster Care Review Act; to amend section 43-1303, Revised Statutes Supplement, 2017; to change reporting requirements for the Foster Care Review Office; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Albrecht	Ebke	Howard	McDonnell	Thibodeau
Baker	Erdman	Hughes	Morfeld	Vargas
Blood	Friesen	Krist	Murante	Walz
Bolz	Geist	Kuehn	Pansing Brooks	Watermeier
Bostelman	Halloran	Larson	Quick	Wayne
Brasch	Hansen	Lindstrom	Riepe	Williams
Briese	Harr	Linehan	Scheer	Wishart
Chambers	Hilgers	Lowe	Schumacher	
Clements	Hilkemann	McCollister	Smith	

Voting in the negative, 0.

Present and not voting, 3:

Kolowski Kolterman Stinner

Excused and not voting, 3:

Brewer Crawford Groene

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 847.

A BILL FOR AN ACT relating to wills; to amend section 30-2316, Reissue Revised Statutes of Nebraska; to change provisions relating to waiver of certain rights of a surviving spouse; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Erdman	Kolowski	Morfeld	Vargas
Baker	Friesen	Kolterman	Murante	Walz
Blood	Geist	Krist	Pansing Brooks	Watermeier
Bolz	Halloran	Kuehn	Quick	Wayne
Bostelman	Hansen	Larson	Riepe	Williams
Brasch	Harr	Lindstrom	Scheer	Wishart
Briese	Hilgers	Linehan	Schumacher	
Chambers	Hilkemann	Lowe	Smith	
Clements	Howard	McCollister	Stinner	
Ebke	Hughes	McDonnell	Thibodeau	

Voting in the negative, 0.

Excused and not voting, 3:

Brewer Crawford Groene

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 848.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1206, Revised Statutes Supplement, 2017; to correct a provision relating to possession of a deadly weapon by a prohibited person; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Erdman	Kolowski	Morfeld	Vargas
Baker	Friesen	Kolterman	Murante	Walz
Blood	Geist	Krist	Pansing Brooks	Watermeier
Bolz	Halloran	Kuehn	Quick	Wayne
Bostelman	Hansen	Larson	Riepe	Williams
Brasch	Harr	Lindstrom	Scheer	Wishart
Briese	Hilgers	Linehan	Schumacher	
Chambers	Hilkemann	Lowe	Smith	
Clements	Howard	McCollister	Stinner	
Ebke	Hughes	McDonnell	Thibodeau	

Voting in the negative, 0.

Excused and not voting, 3:

Brewer Crawford Groene

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 859.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2016; to change a provision relating to documents which may be withheld from the public; to define a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Erdman	Kolowski	Morfeld	Vargas
Baker	Friesen	Kolterman	Murante	Walz
Blood	Geist	Krist	Pansing Brooks	Watermeier
Bolz	Halloran	Kuehn	Quick	Wayne
Bostelman	Hansen	Larson	Riepe	Williams
Brasch	Harr	Lindstrom	Scheer	Wishart
Briese	Hilgers	Linehan	Schumacher	
Chambers	Hilkemann	Lowe	Smith	
Clements	Howard	McCollister	Stinner	
Ebke	Hughes	McDonnell	Thibodeau	

Voting in the negative, 0.

Excused and not voting, 3:

Brewer Crawford Groene

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 885.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1502, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to property tax protests; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Ebke	Hughes	McCollister	Smith
Baker	Erdman	Kolowski	McDonnell	Stinner
Blood	Geist	Kolterman	Morfeld	Thibodeau
Bolz	Halloran	Krist	Murante	Vargas
Bostelman	Hansen	Kuehn	Pansing Brooks	Walz
Brasch	Harr	Larson	Quick	Watermeier
Briese	Hilgers	Lindstrom	Riepe	Wayne
Chambers	Hilkemann	Linehan	Scheer	Williams
Clements	Howard	Lowe	Schumacher	Wishart

Voting in the negative, 0.

Present and not voting, 1:

Friesen

Excused and not voting, 3:

Brewer Crawford Groene

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 889.

A BILL FOR AN ACT relating to fire codes; to amend sections 81-502 and 81-502.04, Reissue Revised Statutes of Nebraska; to provide for a State Fire Code as prescribed; to provide and eliminate duties for the State Fire Marshal; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-541.01, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Erdman	Kolowski	Morfeld	Vargas
Baker	Friesen	Kolterman	Murante	Walz
Blood	Geist	Krist	Pansing Brooks	Watermeier
Bolz	Halloran	Kuehn	Quick	Wayne
Bostelman	Hansen	Larson	Riepe	Williams
Brasch	Harr	Lindstrom	Scheer	Wishart
Briese	Hilgers	Linehan	Schumacher	
Chambers	Hilkemann	Lowe	Smith	
Clements	Howard	McCollister	Stinner	
Ebke	Hughes	McDonnell	Thibodeau	

Voting in the negative, 0.

Excused and not voting, 3:

Brewer Crawford Groene

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 497, 629, 682, 701, 708, 717, 732, 733, 742, 749, 766, 786, 799, 812, 815, 840, 847, 848, 859, 885, and 889.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 496. Placed on Final Reading.

ST73

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Williams amendment, AM2887, on page 1, line 12, "18-2115" has been struck and "13 of Legislative Bill 874, One Hundred Fifth Legislature, Second Session, 2018" inserted.

2. On page 1, lines 2 and 3 have been struck and "sections 18-2101 and 18-2103, Revised Statutes Cumulative Supplement, 2016; to define and redefine terms; to provide and change requirements for certain redevelopment projects; and to repeal the original sections." inserted.

3. On page 7, line 30, "section" has been struck and "sections 18-2101 and" inserted; and in line 31 "is" has been struck and "are" inserted.

(Signed) Anna Wishart, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator Morfeld name added to LB989.

Senator Thibodeau name added to LB1040.

VISITORS

Visitors to the Chamber were Carter Yost from Lincoln; and Jacob Rosse from Gothenburg.

The Doctor of the Day was Dr. Andrew Pohlmeier from York.

ADJOURNMENT

At 7:18 p.m., on a motion by Senator Hilgers, the Legislature adjourned until 9:00 a.m., Wednesday, April 11, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-NINTH DAY - APRIL 11, 2018
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 11, 2018

PRAYER

The prayer was offered by Senator Wishart.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Groene, Larson, Scheer, Thibodeau, Watermeier, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-eighth day was approved.

COMMUNICATION(S)

April 11, 2018

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Consistent with our rules, I am forwarding LB350 for deposit in your office. Legislative rules require us to deliver the bill to your office following the receipt of a veto message when no motion to override has been offered.

(Signed) Sincerely,
Patrick J. O'Donnell
Clerk of the Legislature

PJO:jl

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 10, 2018, at 7:25 p.m. were the following: LBs 497, 629, 682, 701, 708, 717, 732, 733, 742e, 749, 766, 786, 799, 812e, 815, 840, 847, 848, 859, 885, and 889.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 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

Lautenbaugh, Scott
K12, 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>

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 471, 472, 473, 474, 475, and 476 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 471, 472, 473, 474, 475, and 476.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 982.

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.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Albrecht	Crawford	Hilkemann	McCollister	Stinner
Baker	Ebke	Howard	McDonnell	Vargas
Blood	Erdman	Hughes	Morfeld	Walz
Bolz	Friesen	Kolowski	Murante	Williams
Bostelman	Geist	Kolterman	Pansing Brooks	Wishart
Brasch	Halloran	Krist	Quick	
Briese	Hansen	Kuehn	Riepe	
Chambers	Harr	Lindstrom	Schumacher	
Clements	Hilgers	Linehan	Smith	

Voting in the negative, 0.

Present and not voting, 2:

Brewer	Lowe
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Excused and not voting, 6:

Groene	Scheer	Watermeier
Larson	Thibodeau	Wayne

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 983.

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.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Clements	Hilgers	Linehan	Schumacher
Baker	Crawford	Hilkemann	Lowe	Smith
Blood	Ebke	Howard	McCollister	Stinner
Bolz	Erdman	Hughes	McDonnell	Vargas
Bostelman	Friesen	Kolowski	Morfeld	Walz
Brasch	Geist	Kolterman	Murante	Wayne
Brewer	Halloran	Krist	Pansing Brooks	Williams
Briese	Hansen	Kuehn	Quick	Wishart
Chambers	Harr	Lindstrom	Riepe	

Voting in the negative, 0.

Excused and not voting, 5:

Groene	Larson	Scheer	Thibodeau	Watermeier
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1000. With Emergency Clause.

A BILL FOR AN ACT relating to the Public Facilities Construction and Finance Act; to amend sections 13-809, 13-2531, 72-2301, and 72-2304, Reissue Revised Statutes of Nebraska; to require submission of bond measures to an election prior to issuance of bonds; to provide a duty for certain qualified public agencies; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Howard	McDonnell	Vargas
Baker	Ebke	Hughes	Morfeld	Walz
Blood	Erdman	Kolowski	Murante	Watermeier
Bolz	Friesen	Kolterman	Pansing Brooks	Wayne
Bostelman	Geist	Krist	Quick	Williams
Brasch	Halloran	Kuehn	Riepe	Wishart
Brewer	Hansen	Lindstrom	Scheer	
Briese	Harr	Linehan	Schumacher	
Chambers	Hilgers	Lowe	Smith	
Clements	Hilkemann	McCollister	Stinner	

Voting in the negative, 0.

Excused and not voting, 3:

Groene Larson Thibodeau

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1003.

A BILL FOR AN ACT relating to the Military Code; to amend section 55-160, Reissue Revised Statutes of Nebraska; to change provisions relating to military leave of absence without loss of pay; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Howard	McDonnell	Vargas
Baker	Ebke	Hughes	Morfeld	Walz
Blood	Erdman	Kolowski	Murante	Watermeier
Bolz	Friesen	Kolterman	Pansing Brooks	Wayne
Bostelman	Geist	Krist	Quick	Williams
Brasch	Halloran	Kuehn	Riepe	Wishart
Brewer	Hansen	Lindstrom	Scheer	
Briese	Harr	Linehan	Schumacher	
Chambers	Hilgers	Lowe	Smith	
Clements	Hilkemann	McCollister	Stinner	

Voting in the negative, 0.

Excused and not voting, 3:

Groene Larson Thibodeau

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1012.

A BILL FOR AN ACT relating to the Insurance Producers Licensing Act; to amend sections 44-3903, 44-4047, and 44-4052, Revised Statutes Cumulative Supplement, 2016; to provide procedures and requirements for a limited license for self-service storage facility operators to act as insurance producers as prescribed; to define terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Clements	Hilgers	Linehan	Schumacher
Baker	Crawford	Hilkemann	McCollister	Smith
Blood	Ebke	Howard	McDonnell	Stinner
Bolz	Erdman	Hughes	Morfeld	Vargas
Bostelman	Friesen	Kolowski	Murante	Walz
Brasch	Geist	Kolterman	Pansing Brooks	Watermeier
Brewer	Halloran	Krist	Quick	Wayne
Briese	Hansen	Kuehn	Riepe	Williams
Chambers	Harr	Lindstrom	Scheer	Wishart

Voting in the negative, 0.

Present and not voting, 2:

Groene Lowe

Excused and not voting, 2:

Larson Thibodeau

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1030.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-2816, Reissue Revised Statutes of Nebraska, and section 77-2703.01, Revised Statutes Cumulative Supplement, 2016; to change the sales tax sourcing rules for motor vehicles and trailers operated by public power districts; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Hilkemann	McCollister	Stinner
Baker	Ebke	Howard	McDonnell	Thibodeau
Blood	Erdman	Hughes	Morfeld	Vargas
Bolz	Friesen	Kolowski	Murante	Walz
Bostelman	Geist	Kolterman	Pansing Brooks	Watermeier
Brasch	Groene	Krist	Quick	Wayne
Brewer	Halloran	Kuehn	Riepe	Williams
Briese	Hansen	Lindstrom	Scheer	Wishart
Chambers	Harr	Linehan	Schumacher	
Clements	Hilgers	Lowe	Smith	

Voting in the negative, 0.

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1036.

A BILL FOR AN ACT relating to the Local Government Miscellaneous Expenditure Act; to amend section 13-2203, Reissue Revised Statutes of Nebraska; to change the expenditure limit for a recognition dinner as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Baker	Crawford	Howard	McCollister	Smith
Blood	Ebke	Hughes	McDonnell	Stinner
Bolz	Friesen	Kolowski	Morfeld	Thibodeau
Bostelman	Geist	Kolterman	Pansing Brooks	Vargas
Brasch	Hansen	Krist	Quick	Walz
Brewer	Harr	Kuehn	Riepe	Wayne
Briese	Hilgers	Lindstrom	Scheer	Williams
Chambers	Hilkemann	Lowe	Schumacher	Wishart

Voting in the negative, 4:

Clements	Erdman	Groene	Halloran
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Present and not voting, 4:

Albrecht	Linehan	Murante	Watermeier
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Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1038. With Emergency Clause.

A BILL FOR AN ACT relating to registration of voters; to amend section 32-206, Reissue Revised Statutes of Nebraska, and section 32-304, Revised Statutes Supplement, 2017; to provide a deadline for electronic voter registration; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Howard	McDonnell	Thibodeau
Baker	Ebke	Hughes	Morfeld	Vargas
Blood	Erdman	Kolowski	Murante	Walz
Bolz	Friesen	Kolterman	Pansing Brooks	Watermeier
Bostelman	Geist	Krist	Quick	Wayne
Brasch	Halloran	Kuehn	Riepe	Williams
Brewer	Hansen	Lindstrom	Scheer	Wishart
Briese	Harr	Linehan	Schumacher	
Chambers	Hilgers	Lowe	Smith	
Clements	Hilkemann	McCollister	Stinner	

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 1:

Larson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1052.

A BILL FOR AN ACT relating to education; to require instruction as prescribed for students who exhibit characteristics of dyslexia; to provide duties for the State Board of Education; and to provide duties for teacher education programs.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Baker	Crawford	Hilkemann	Lowe	Smith
Blood	Ebke	Howard	McDonnell	Stinner
Bolz	Erdman	Hughes	Morfeld	Thibodeau
Bostelman	Friesen	Kolowski	Murante	Vargas
Brasch	Groene	Kolterman	Pansing Brooks	Watermeier
Brewer	Halloran	Krist	Quick	Wayne
Briese	Hansen	Kuehn	Riepe	Williams
Chambers	Harr	Lindstrom	Scheer	Wishart
Clements	Hilgers	Linehan	Schumacher	

Voting in the negative, 0.

Present and not voting, 4:

Albrecht	Geist	McCollister	Walz
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Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1070.

A BILL FOR AN ACT relating to school districts; to amend section 79-499, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to elections to continue the operation of certain high schools; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Hilkemann	McCollister	Stinner
Baker	Ebke	Howard	McDonnell	Thibodeau
Blood	Erdman	Hughes	Morfeld	Vargas
Bolz	Friesen	Kolowski	Murante	Walz
Bostelman	Geist	Kolterman	Pansing Brooks	Watermeier
Brasch	Groene	Krist	Quick	Wayne
Brewer	Halloran	Kuehn	Riepe	Williams
Briese	Hansen	Lindstrom	Scheer	Wishart
Chambers	Harr	Linehan	Schumacher	
Clements	Hilgers	Lowe	Smith	

Voting in the negative, 0.

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1110.

A BILL FOR AN ACT relating to schools; to amend section 79-760.06, Revised Statutes Cumulative Supplement, 2016; to require annual reporting of performance scores and classification levels; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Hilkemann	McCollister	Stinner
Baker	Ebke	Howard	McDonnell	Thibodeau
Blood	Erdman	Hughes	Morfeld	Vargas
Bolz	Friesen	Kolowski	Murante	Walz
Bostelman	Geist	Kolterman	Pansing Brooks	Watermeier
Brasch	Groene	Krist	Quick	Wayne
Brewer	Halloran	Kuehn	Riepe	Williams
Briese	Hansen	Lindstrom	Scheer	Wishart
Chambers	Harr	Linehan	Schumacher	
Clements	Hilgers	Lowe	Smith	

Voting in the negative, 0.

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 982, 983, 1000, 1003, 1012, 1030, 1036, 1038, 1052, 1070, and 1110.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 258.

A BILL FOR AN ACT relating to correctional services; to amend section 83-903, Reissue Revised Statutes of Nebraska; to provide for an opportunity to obtain a state identification card or a motor vehicle operator's license as prescribed; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Clements	Hilkemann	McDonnell	Stinner
Baker	Ebke	Howard	Morfeld	Thibodeau
Blood	Friesen	Hughes	Murante	Vargas
Bolz	Geist	Kolowski	Pansing Brooks	Walz
Bostelman	Groene	Kolterman	Quick	Watermeier
Brasch	Halloran	Krist	Riepe	Wayne
Brewer	Hansen	Lindstrom	Scheer	Williams
Briese	Harr	Linehan	Schumacher	Wishart
Chambers	Hilgers	McCollister	Smith	

Voting in the negative, 1:

Erdman

Present and not voting, 3:

Crawford Kuehn Lowe

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB439 with 36 ayes, 3 nays, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 439.

A BILL FOR AN ACT relating to assisted-living facilities; to amend sections 71-406, 71-5803.05, 71-5902, 71-5903, 71-5904, and 71-5906, Reissue Revised Statutes of Nebraska, sections 71-5905, 71-6725, and 71-9402, Revised Statutes Cumulative Supplement, 2016, and section 71-7611, Revised Statutes Supplement, 2017; to define and redefine terms; to change provisions relating to licensure of assisted-living facilities; to change requirements for and services provided to applicants for admission to and residents of assisted-living facilities; to state intent relating to the Nebraska Health Care Cash Fund; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Howard	McDonnell	Thibodeau
Baker	Ebke	Hughes	Morfeld	Vargas
Blood	Erdman	Kolowski	Murante	Walz
Bolz	Friesen	Kolterman	Pansing Brooks	Watermeier
Bostelman	Geist	Krist	Quick	Wayne
Brasch	Halloran	Kuehn	Riepe	Williams
Brewer	Hansen	Lindstrom	Scheer	Wishart
Briese	Harr	Linehan	Schumacher	
Chambers	Hilgers	Lowe	Smith	
Clements	Hilkemann	McCollister	Stinner	

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 439A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 439, One Hundred Fifth Legislature, Second Session, 2018.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Howard	McDonnell	Thibodeau
Baker	Ebke	Hughes	Morfeld	Vargas
Blood	Erdman	Kolowski	Murante	Walz
Bolz	Friesen	Kolterman	Pansing Brooks	Watermeier
Bostelman	Geist	Krist	Quick	Wayne
Brasch	Halloran	Kuehn	Riepe	Williams
Brewer	Hansen	Lindstrom	Scheer	Wishart
Briese	Harr	Linehan	Schumacher	
Chambers	Hilgers	Lowe	Smith	
Clements	Hilkemann	McCollister	Stinner	

Voting in the negative, 0.

Present and not voting, 1:

Groene

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 596.

A BILL FOR AN ACT relating to the Veterinary Medicine and Surgery Practice Act; to amend sections 38-3301, 38-3302, 38-3314, and 38-3321, Reissue Revised Statutes of Nebraska; to define equine, cat, and dog massage practice; to exempt equine, cat, and dog massage practice from licensure and regulation; to harmonize provisions; and to repeal the original sections.

Senator Chambers requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Hilkemann	Morfeld	Vargas
Baker	Ebke	Howard	Murante	Walz
Blood	Erdman	Hughes	Pansing Brooks	Watermeier
Bolz	Friesen	Kolowski	Quick	Wayne
Bostelman	Geist	Kuehn	Riepe	Williams
Brasch	Groene	Lindstrom	Scheer	Wishart
Brewer	Halloran	Linehan	Schumacher	
Briese	Hansen	Lowe	Smith	
Chambers	Harr	McCollister	Stinner	
Clements	Hilgers	McDonnell	Thibodeau	

Voting in the negative, 0.

Present and not voting, 2:

Kolterman Krist

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 714.

A BILL FOR AN ACT relating to minors; to amend section 25-307, Reissue Revised Statutes of Nebraska; to provide a procedure for judicial emancipation of a minor; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Baker	Crawford	Howard	McCollister	Smith
Blood	Ebke	Hughes	McDonnell	Stinner
Bolz	Erdman	Kolowski	Morfeld	Thibodeau
Bostelman	Friesen	Kolterman	Murante	Vargas
Brasch	Geist	Krist	Pansing Brooks	Walz
Brewer	Hansen	Kuehn	Quick	Watermeier
Briese	Harr	Lindstrom	Riepe	Wayne
Chambers	Hilgers	Linehan	Scheer	Williams
Clements	Hilkemann	Lowe	Schumacher	Wishart

Voting in the negative, 1:

Groene

Present and not voting, 2:

Albrecht Halloran

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 745.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2708, Revised Statutes Cumulative Supplement, 2016; to require certain notice relating to refunds of local sales and use taxes; to allow such refunds to be deducted in installments as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Hilkemann	McCollister	Stinner
Baker	Ebke	Howard	McDonnell	Thibodeau
Blood	Erdman	Hughes	Morfeld	Vargas
Bolz	Friesen	Kolowski	Murante	Walz
Bostelman	Geist	Kolterman	Pansing Brooks	Watermeier
Brasch	Groene	Krist	Quick	Wayne
Brewer	Halloran	Kuehn	Riepe	Williams
Briese	Hansen	Lindstrom	Scheer	Wishart
Chambers	Harr	Linehan	Schumacher	
Clements	Hilgers	Lowe	Smith	

Voting in the negative, 0.

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 803.

A BILL FOR AN ACT relating to early childhood education; to amend section 79-1104, Reissue Revised Statutes of Nebraska; to change State Board of Education rulemaking authority as prescribed; to provide authority to exempt a prekindergarten program from teacher and administrator certificate or permit requirements; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Ebke	Howard	McDonnell	Thibodeau
Blood	Erdman	Hughes	Morfeld	Vargas
Bolz	Friesen	Kolowski	Murante	Walz
Bostelman	Geist	Kolterman	Pansing Brooks	Watermeier
Brasch	Groene	Krist	Quick	Wayne
Brewer	Halloran	Kuehn	Riepe	Williams
Briese	Hansen	Lindstrom	Scheer	Wishart
Chambers	Harr	Linehan	Schumacher	
Clements	Hilgers	Lowe	Smith	
Crawford	Hilkemann	McCollister	Stinner	

Voting in the negative, 0.

Present and not voting, 1:

Baker

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 827.

A BILL FOR AN ACT relating to the Department of Veterans' Affairs; to amend sections 83-153, 83-154, 83-155, and 83-156, Reissue Revised Statutes of Nebraska, and sections 80-301.01 and 81-1316, Revised Statutes Supplement, 2017; to provide for disposition of property of members of veterans homes as prescribed; to exempt certain personnel of the department from the State Personnel System; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Crawford	Hilgers	Lowe	Smith
Baker	Ebke	Hilkemann	McCollister	Stinner
Blood	Erdman	Howard	McDonnell	Thibodeau
Bolz	Friesen	Hughes	Morfeld	Vargas
Bostelman	Geist	Kolowski	Murante	Walz
Brasch	Groene	Krist	Pansing Brooks	Watermeier
Brewer	Halloran	Kuehn	Quick	Wayne
Briese	Hansen	Lindstrom	Riepe	Williams
Clements	Harr	Linehan	Schumacher	Wishart

Voting in the negative, 0.

Present and not voting, 3:

Chambers Kolterman Scheer

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 865.

A BILL FOR AN ACT relating to municipalities; to amend sections 14-137 and 15-404, Reissue Revised Statutes of Nebraska, section 16-404, Revised Statutes Cumulative Supplement, 2016, and section 17-614, Revised Statutes Supplement, 2017; to changes provisions relating to the passage of ordinances by cities and villages; to prohibit suspension of a reading requirement for certain ordinances as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Hilkemann	McCollister	Stinner
Baker	Ebke	Howard	McDonnell	Thibodeau
Blood	Erdman	Hughes	Morfeld	Vargas
Bolz	Friesen	Kolowski	Murante	Walz
Bostelman	Geist	Kolterman	Pansing Brooks	Watermeier
Brasch	Groene	Krist	Quick	Wayne
Brewer	Halloran	Kuehn	Riepe	Williams
Briese	Hansen	Lindstrom	Scheer	Wishart
Chambers	Harr	Linehan	Schumacher	
Clements	Hilgers	Lowe	Smith	

Voting in the negative, 0.

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 901.

A BILL FOR AN ACT relating to aeronautics; to amend section 3-402, Revised Statutes Cumulative Supplement, 2016, and section 3-404, Revised Statutes Supplement, 2017; to define a term; to change permit application and issuance requirements relating to regulation of certain structures by the Division of Aeronautics of the Department of Transportation; to provide a duty for the Nebraska National Guard as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hilkemann	McDonnell	Thibodeau
Baker	Ebke	Hughes	Morfeld	Vargas
Blood	Erdman	Kolowski	Murante	Walz
Bolz	Friesen	Kolterman	Pansing Brooks	Watermeier
Bostelman	Geist	Krist	Quick	Wayne
Brasch	Groene	Kuehn	Riepe	Williams
Brewer	Halloran	Lindstrom	Scheer	Wishart
Briese	Hansen	Linehan	Schumacher	
Chambers	Harr	Lowe	Smith	
Clements	Hilgers	McCollister	Stinner	

Voting in the negative, 0.

Present and not voting, 1:

Howard

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB906 with 40 ayes, 2 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 906.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-405, Revised Statutes Supplement, 2017; to change provisions relating to the schedules of controlled substances; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hilkemann	McDonnell	Thibodeau
Baker	Ebke	Hughes	Morfeld	Vargas
Blood	Erdman	Kolowski	Murante	Walz
Bolz	Friesen	Kolterman	Pansing Brooks	Watermeier
Bostelman	Geist	Krist	Quick	Wayne
Brasch	Groene	Kuehn	Riepe	Williams
Brewer	Halloran	Lindstrom	Scheer	Wishart
Briese	Hansen	Linehan	Schumacher	
Chambers	Harr	Lowe	Smith	
Clements	Hilgers	McCollister	Stinner	

Voting in the negative, 0.

Present and not voting, 1:

Howard

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 923.

A BILL FOR AN ACT relating to immunity; to amend sections 53-180.05 and 53-181, Revised Statutes Cumulative Supplement, 2016, and section 28-470, Revised Statutes Supplement, 2017; to provide immunity for certain law enforcement employees administering naloxone as prescribed; to define a term; to change penalty provisions for certain violations regarding alcoholic liquor relating to or committed by minors; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Clements	Howard	McDonnell	Stinner
Baker	Crawford	Hughes	Morfeld	Thibodeau
Blood	Ebke	Kolowski	Murante	Vargas
Bolz	Friesen	Kolterman	Pansing Brooks	Walz
Bostelman	Geist	Krist	Quick	Watermeier
Brasch	Hansen	Kuehn	Riepe	Wayne
Brewer	Harr	Lindstrom	Scheer	Williams
Briese	Hilgers	Linehan	Schumacher	Wishart
Chambers	Hilkemann	McCollister	Smith	

Voting in the negative, 1:

Erdman

Present and not voting, 3:

Groene Halloran Lowe

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB990 with 36 ayes, 3 nays, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 990.

A BILL FOR AN ACT relating to firearms; to amend sections 28-1351 and 28-1354, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-1201, and 43-2,129, 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 create a duty for the court under the Nebraska Juvenile Code; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Albrecht	Crawford	Hilkemann	McDonnell	Walz
Baker	Ebke	Hughes	Morfeld	Watermeier
Blood	Erdman	Kolowski	Pansing Brooks	Wayne
Bolz	Friesen	Krist	Quick	Williams
Bostelman	Geist	Kuehn	Riepe	Wishart
Brasch	Halloran	Lindstrom	Scheer	
Brewer	Hansen	Linehan	Schumacher	
Briese	Harr	Lowe	Stinner	
Clements	Hilgers	McCollister	Thibodeau	

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Howard	Smith
Groene	Murante	Vargas

Excused and not voting, 2:

Kolterman	Larson
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 990A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 990, One Hundred Fifth Legislature, Second Session, 2018.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Albrecht	Clements	Hilgers	McDonnell	Thibodeau
Baker	Crawford	Hilkemann	Morfeld	Watermeier
Blood	Ebke	Howard	Pansing Brooks	Wayne
Bolz	Erdman	Hughes	Quick	Williams
Bostelman	Friesen	Kolowski	Riepe	Wishart
Brasch	Geist	Kuehn	Scheer	
Brewer	Halloran	Linehan	Schumacher	
Briese	Hansen	Lowe	Smith	
Chambers	Harr	McCollister	Stinner	

Voting in the negative, 0.

Present and not voting, 6:

Groene	Lindstrom	Vargas
Krist	Murante	Walz

Excused and not voting, 2:

Kolterman Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1009.

A BILL FOR AN ACT relating to roads; to amend sections 60-4,182, 60-601, and 60-605, Revised Statutes Cumulative Supplement, 2016, and sections 39-2103 and 60-6,186, Revised Statutes Supplement, 2017; to change the rural highway classification of major arterial to include super-two highways; to define a term; to change maximum highway speed limits as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Baker	Crawford	Hilgers	Lowe	Smith
Blood	Ebke	Hilkemann	McDonnell	Stinner
Bolz	Erdman	Howard	Morfeld	Thibodeau
Bostelman	Friesen	Hughes	Murante	Vargas
Brasch	Geist	Kolowski	Pansing Brooks	Walz
Brewer	Groene	Krist	Quick	Watermeier
Briese	Halloran	Kuehn	Riepe	Wayne
Chambers	Hansen	Lindstrom	Scheer	Williams
Clements	Harr	Linehan	Schumacher	

Voting in the negative, 1:

Albrecht

Present and not voting, 2:

McCollister Wishart

Excused and not voting, 2:

Kolterman Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB1090

Senator Smith withdrew his amendment, AM1705, found on page 671, to LB1090.

MOTION(S) - Return LB1090 to Select File

Senator Krist moved to return LB1090 to Select File for his specific amendment, FA121, found on page 1027.

Senator Krist withdrew his motion to return.

WITHDRAW - Amendment to LB1090

Senator Krist withdrew his amendment, AM2754, found on page 1329, to LB1090.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1090.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716.01, Reissue Revised Statutes of Nebraska, and section 77-2715.03, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to income tax brackets, personal exemptions, standard deductions, and itemized deductions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Crawford	Hilgers	McCollister	Smith
Baker	Ebke	Hilkemann	McDonnell	Stinner
Blood	Erdman	Howard	Morfeld	Thibodeau
Bolz	Friesen	Hughes	Murante	Vargas
Bostelman	Geist	Kolterman	Pansing Brooks	Walz
Brasch	Groene	Kuehn	Quick	Watermeier
Brewer	Halloran	Lindstrom	Riepe	Williams
Briese	Hansen	Linehan	Scheer	Wishart
Clements	Harr	Lowe	Schumacher	

Voting in the negative, 0.

Present and not voting, 4:

Chambers Kolowski Krist Wayne

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1090A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1090, One Hundred Fifth Legislature, Second Session, 2018.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Crawford	Hilgers	McCollister	Smith
Baker	Ebke	Hilkemann	McDonnell	Stinner
Blood	Erdman	Howard	Morfeld	Thibodeau
Bolz	Friesen	Hughes	Murante	Vargas
Bostelman	Geist	Kolterman	Pansing Brooks	Walz
Brasch	Groene	Kuehn	Quick	Watermeier
Brewer	Halloran	Lindstrom	Riepe	Williams
Briese	Hansen	Linehan	Scheer	Wishart
Clements	Harr	Lowe	Schumacher	

Voting in the negative, 0.

Present and not voting, 4:

Chambers Kolowski Krist Wayne

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1098.

A BILL FOR AN ACT relating to the County Purchasing Act; to amend section 23-3108, Reissue Revised Statutes of Nebraska; to change dollar thresholds for certain purchasing requirements; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Hilkemann	McCollister	Stinner
Baker	Ebke	Howard	McDonnell	Thibodeau
Blood	Erdman	Hughes	Morfeld	Vargas
Bolz	Friesen	Kolowski	Murante	Walz
Bostelman	Geist	Kolterman	Pansing Brooks	Watermeier
Brasch	Groene	Krist	Quick	Wayne
Brewer	Halloran	Kuehn	Riepe	Williams
Briese	Hansen	Lindstrom	Scheer	Wishart
Chambers	Harr	Linehan	Schumacher	
Clements	Hilgers	Lowe	Smith	

Voting in the negative, 0.

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1119 with 38 ayes, 2 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1119.

A BILL FOR AN ACT relating to insurance; to amend sections 44-361 and 84-1613, Reissue Revised Statutes of Nebraska; to adopt the Direct Primary Care Pilot Program Act; to adopt the Nebraska Right to Shop Act; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Albrecht	Crawford	Hilkemann	McDonnell	Thibodeau
Baker	Ebke	Hughes	Morfeld	Walz
Blood	Erdman	Kolowski	Murante	Watermeier
Bostelman	Friesen	Kolterman	Pansing Brooks	Wayne
Brasch	Geist	Kuehn	Quick	Williams
Brewer	Groene	Lindstrom	Riepe	Wishart
Briese	Halloran	Linehan	Scheer	
Chambers	Harr	Lowe	Schumacher	
Clements	Hilgers	McCollister	Stinner	

Voting in the negative, 2:

Bolz Krist

Present and not voting, 4:

Hansen Howard Smith Vargas

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1132 with 36 ayes, 3 nays, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1132.

A BILL FOR AN ACT relating to crime victims; to amend sections 28-902 and 29-3523, Reissue Revised Statutes of Nebraska; to require reporting by a health care provider of injury from actual or attempted sexual assault as prescribed; to provide duties for health care providers and law enforcement as prescribed; to define terms; to provide a procedure to set aside convictions for victims of sex trafficking; to provide for expungement of criminal history record information of such victims; to provide for development and distribution by the Attorney General of a statewide model anonymous reporting protocol; to provide a duty for the Nebraska Commission on Law Enforcement and Criminal Justice; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Clements	Howard	McCollister	Smith
Baker	Crawford	Hughes	McDonnell	Stinner
Blood	Ebke	Kolowski	Morfeld	Thibodeau
Bolz	Friesen	Kolterman	Murante	Vargas
Bostelman	Geist	Krist	Pansing Brooks	Walz
Brasch	Hansen	Kuehn	Quick	Watermeier
Brewer	Harr	Lindstrom	Riepe	Wayne
Briese	Hilgers	Linehan	Scheer	Williams
Chambers	Hilkemann	Low	Schumacher	Wishart

Voting in the negative, 0.

Present and not voting, 3:

Erdman	Groene	Halloran
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Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 738.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to an adjustment to income for social security benefits; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Clements	Hilkemann	Low	Stinner
Baker	Crawford	Howard	McCollister	Thibodeau
Blood	Ebke	Hughes	McDonnell	Vargas
Bolz	Erdman	Kolowski	Morfeld	Walz
Bostelman	Geist	Kolterman	Murante	Watermeier
Brasch	Halloran	Krist	Pansing Brooks	Wayne
Brewer	Hansen	Kuehn	Quick	Williams
Briese	Harr	Lindstrom	Scheer	Wishart
Chambers	Hilgers	Linehan	Smith	

Voting in the negative, 2:

Groene Schumacher

Present and not voting, 2:

Friesen Riepe

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 738A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 738, One Hundred Fifth Legislature, Second Session, 2018.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Clements	Hilkemann	Lowe	Smith
Baker	Crawford	Howard	McCollister	Stinner
Blood	Ebke	Hughes	McDonnell	Thibodeau
Bolz	Erdman	Kolowski	Morfeld	Vargas
Bostelman	Geist	Kolterman	Murante	Walz
Brasch	Halloran	Krist	Pansing Brooks	Watermeier
Brewer	Hansen	Kuehn	Quick	Wayne
Briese	Harr	Lindstrom	Riepe	Williams
Chambers	Hilgers	Linehan	Scheer	Wishart

Voting in the negative, 1:

Groene

Present and not voting, 2:

Friesen Schumacher

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 776.

A BILL FOR AN ACT relating to jails; to amend sections 47-101, 47-108, 47-109, 47-116, 47-201, and 47-206, Reissue Revised Statutes of Nebraska; to change provisions relating to the powers and duties of the Jail Standards Board; to provide requirements for inmate access to telephone or videoconferencing systems in county and city jails; to define terms; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Albrecht	Ebke	Hughes	Morfeld	Vargas
Baker	Geist	Kolowski	Pansing Brooks	Walz
Blood	Groene	Kolterman	Quick	Watermeier
Bolz	Hansen	Krist	Scheer	Wayne
Brasch	Harr	Lindstrom	Schumacher	Williams
Brewer	Hilgers	Linehan	Smith	Wishart
Chambers	Hilkemann	McCollister	Stinner	
Crawford	Howard	McDonnell	Thibodeau	

Voting in the negative, 8:

Bostelman	Erdman	Kuehn	Murante
Clements	Halloran	Lowe	Riepe

Present and not voting, 2:

Briese	Friesen
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Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB841 with 34 ayes, 2 nays, 12 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 841.

A BILL FOR AN ACT relating to criminal justice; to amend sections 28-322, 29-2252, 29-2935, 29-4019, 71-961, 81-1401, 83-174.03, 83-174.04, 83-174.05, 83-191, 83-192, 83-198, 83-1,102, 83-1,103, 83-1,103.01, 83-1,103.02, 83-1,103.03, 83-1,103.04, 83-1,104, 83-1,107.01, 83-1,107.02, 83-1,109, 83-1,111, 83-1,112, 83-1,112.01, 83-1,114,

83-1,118, 83-1,120, 83-1,121, 83-1,125, and 83-4,157, Reissue Revised Statutes of Nebraska, sections 47-624, 47-624.01, 47-627, 47-629, 47-903, 47-908, 47-919, 83-170, 83-171, 83-184, 83-1,100, 83-1,100.02, 83-1,101, 83-1,107, 83-1,119, 83-1,122.01, 83-1,135, 83-1,135.02, and 83-933, Revised Statutes Cumulative Supplement, 2016, and sections 29-2261 and 83-1,110.02, Revised Statutes Supplement, 2017; to define and redefine terms; to change provisions relating to conditional release of committed offenders; to rename the Office of Parole Administration; to change the title of Parole Administrator; to provide and change powers and duties for the Department of Correctional Services, Board of Parole, Division of Parole Supervision, and Director of Supervision and Services; to change provisions relating to administration of parole services and conditions of parole; to create a fund; to prohibit and provide a penalty for certain acts toward employees of the Board of Parole; to change conditions for eligibility for medical parole; to provide for applicability of certain provisions; to provide duties for the medical director of the Department of Correctional Services; to require a staffing analysis by the department; to require an implementation plan for the accelerated parole review process; to require reports; to eliminate provisions regarding deputy parole officers and certain violations of parole; to repeal the original sections; and to outright repeal section 83-1,124, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Albrecht	Crawford	Hughes	Murante	Vargas
Baker	Ebke	Kolowski	Pansing Brooks	Walz
Blood	Friesen	Kolterman	Quick	Watermeier
Bolz	Geist	Krist	Riepe	Wayne
Bostelman	Hansen	Lindstrom	Scheer	Williams
Brasch	Harr	Linehan	Schumacher	Wishart
Brewer	Hilgers	McCollister	Smith	
Briese	Hilkemann	McDonnell	Stinner	
Chambers	Howard	Morfeld	Thibodeau	

Voting in the negative, 1:

Clements

Present and not voting, 5:

Erdman	Groene	Halloran	Kuehn	Lowe
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Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 902.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to documents which may be withheld from the public; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Ebke	Howard	McDonnell	Thibodeau
Baker	Erdman	Hughes	Morfeld	Vargas
Blood	Friesen	Kolowski	Murante	Walz
Bostelman	Geist	Kolterman	Pansing Brooks	Watermeier
Brasch	Groene	Krist	Quick	Wayne
Brewer	Halloran	Kuehn	Riepe	Williams
Briese	Hansen	Lindstrom	Scheer	Wishart
Chambers	Harr	Linehan	Schumacher	
Clements	Hilgers	Lowe	Smith	
Crawford	Hilkemann	McCollister	Stinner	

Voting in the negative, 0.

Present and not voting, 1:

Bolz

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1040.

A BILL FOR AN ACT relating to the Vital Statistics Act; to amend sections 71-601 and 71-601.01, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide for commemorative certificates of nonviable birth as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Crawford	Hilkemann	McDonnell	Stinner
Blood	Ebke	Hughes	Morfeld	Thibodeau
Bolz	Erdman	Kolowski	Murante	Vargas
Bostelman	Geist	Kolterman	Pansing Brooks	Walz
Brasch	Groene	Kuehn	Quick	Watermeier
Brewer	Halloran	Lindstrom	Riepe	Wayne
Briese	Hansen	Linehan	Scheer	Williams
Chambers	Harr	Lowe	Schumacher	Wishart
Clements	Hilgers	McCollister	Smith	

Voting in the negative, 1:

Krist

Present and not voting, 3:

Baker Friesen Howard

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 751.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend sections 84-901.01 and 84-910, Reissue Revised Statutes of Nebraska; to change provisions relating to agency duties with respect to adoption of rules and regulations; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Hilkemann	McCollister	Stinner
Baker	Ebke	Howard	McDonnell	Thibodeau
Blood	Erdman	Hughes	Morfeld	Vargas
Bolz	Friesen	Kolowski	Murante	Walz
Bostelman	Geist	Kolterman	Pansing Brooks	Watermeier
Brasch	Groene	Krist	Quick	Wayne
Brewer	Halloran	Kuehn	Riepe	Williams
Briese	Hansen	Lindstrom	Scheer	Wishart
Chambers	Harr	Linehan	Schumacher	
Clements	Hilgers	Lowe	Smith	

Voting in the negative, 0.

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 861.

A BILL FOR AN ACT relating to counties; to authorize claims to the state for certain prosecution costs as prescribed; to define terms; to provide powers and duties for the Risk Manager; and to provide for applicability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Albrecht	Ebke	Hilkemann	McCollister	Stinner
Baker	Erdman	Howard	McDonnell	Thibodeau
Blood	Friesen	Hughes	Murante	Vargas
Bolz	Geist	Kolowski	Pansing Brooks	Walz
Bostelman	Groene	Kolterman	Quick	Watermeier
Brasch	Halloran	Kuehn	Riepe	Wayne
Briese	Hansen	Lindstrom	Scheer	Williams
Clements	Harr	Linehan	Schumacher	Wishart
Crawford	Hilgers	Lowe	Smith	

Voting in the negative, 0.

Present and not voting, 4:

Brewer Chambers Krist Morfeld

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 994. With Emergency Clause.

A BILL FOR AN ACT relating to telecommunications and technology; to amend sections 77-2704.51 and 86-579, Reissue Revised Statutes of Nebraska; to state intent; to create the Rural Broadband Task Force; to provide powers and duties; to create the Rural Broadband Task Force Fund;

to provide powers and duties for the Public Service Commission; to exempt dark fiber from sales and use taxes as prescribed; to provide for a transfer from the Nebraska Internet Enhancement Fund; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Hilkemann	McCollister	Stinner
Baker	Ebke	Howard	McDonnell	Thibodeau
Blood	Erdman	Hughes	Morfeld	Vargas
Bolz	Friesen	Kolowski	Murante	Walz
Bostelman	Geist	Kolterman	Pansing Brooks	Watermeier
Brasch	Groene	Krist	Quick	Wayne
Brewer	Halloran	Kuehn	Riepe	Williams
Briese	Hansen	Lindstrom	Scheer	Wishart
Chambers	Harr	Linehan	Schumacher	
Clements	Hilgers	Lowe	Smith	

Voting in the negative, 0.

Excused and not voting, 1:

Larson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 994A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 994, One Hundred Fifth Legislature, Second Session, 2018.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Hilkemann	McDonnell	Thibodeau
Baker	Ebke	Hughes	Morfeld	Vargas
Blood	Erdman	Kolowski	Murante	Walz
Bolz	Friesen	Kolterman	Pansing Brooks	Watermeier
Bostelman	Geist	Krist	Quick	Wayne
Brasch	Groene	Kuehn	Riepe	Williams
Brewer	Halloran	Lindstrom	Scheer	Wishart
Briese	Hansen	Linehan	Schumacher	
Chambers	Harr	Lowe	Smith	
Clements	Hilgers	McCollister	Stinner	

Voting in the negative, 0.

Present and not voting, 1:

Howard

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1081 with 34 ayes, 2 nays, 12 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1081.

A BILL FOR AN ACT relating to schools; to amend sections 79-262, 79-293, 79-2,136, 79-408, 79-529, 79-760.07, 79-870, 79-1007.08, and 79-1007.09, Reissue Revised Statutes of Nebraska, sections 79-528, 79-760.06, 79-1007.06, 79-1007.07, 79-11,155, 79-2104, 79-2104.02, and 79-2117, Revised Statutes Cumulative Supplement, 2016, and section 79-1003, Revised Statutes Supplement, 2017; to require an annual financial report for learning communities; to provide penalties; to change requirements for reporting student conduct to law enforcement; to clarify residency requirements for part-time enrollment; to change provisions regarding Class IV school district boundaries; to remove certain powers of Class IV school districts; to eliminate certain reporting requirements regarding learning communities; to change a reporting date; to change provisions for priority schools as prescribed; to change provisions related to subpoena authority as prescribed; to eliminate poverty plan requirements; to eliminate limited English proficiency plan requirements; to adopt the

Nebraska Reading Improvement Act; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-1014, Reissue Revised Statutes of Nebraska, and section 79-1013, Revised Statutes Cumulative Supplement, 2016.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Erdman	Hughes	Morfeld	Vargas
Blood	Friesen	Kolowski	Murante	Walz
Bolz	Geist	Kolterman	Pansing Brooks	Watermeier
Bostelman	Groene	Krist	Quick	Wayne
Brasch	Halloran	Kuehn	Riepe	Williams
Brewer	Hansen	Lindstrom	Scheer	Wishart
Briese	Harr	Linehan	Schumacher	
Clements	Hilgers	Lowe	Smith	
Crawford	Hilkemann	McCollister	Stinner	
Ebke	Howard	McDonnell	Thibodeau	

Voting in the negative, 1:

Baker

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Larson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1081A.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2017, LB327, section 49; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1081, One Hundred Fifth Legislature, Second Session, 2018; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Crawford	Hilkemann	Lowe	Smith
Baker	Ebke	Howard	McCollister	Stinner
Blood	Erdman	Hughes	McDonnell	Thibodeau
Bolz	Friesen	Kolowski	Morfeld	Vargas
Bostelman	Geist	Kolterman	Murante	Walz
Brasch	Groene	Krist	Pansing Brooks	Watermeier
Brewer	Halloran	Kuehn	Quick	Wayne
Briese	Hansen	Larson	Riepe	Williams
Chambers	Harr	Lindstrom	Scheer	Wishart
Clements	Hilgers	Linehan	Schumacher	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1089 with 42 ayes, 2 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1089. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-118, 77-3505.02, and 77-3514.01, Reissue Revised Statutes of Nebraska, sections 77-376, 77-2791, 77-3501.01, 77-3506, 77-3506.02, 77-3506.03, 77-3507, 77-3509.01, 77-3509.02, 77-3509.03, 77-3512, 77-3513, 77-3514, 77-3516, 77-3522, and 77-3523, Revised Statutes Cumulative Supplement, 2016, and sections 77-3508 and 77-3510, Revised Statutes Supplement, 2017; to change provisions relating to the effect of purchases of certain depreciable property on the Nebraska adjusted basis; to provide that certain information of the Department of Revenue is confidential; to change provisions relating to the treatment of refundable income tax credits; to change and eliminate provisions relating to homestead exemptions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 77-3509, Revised Statutes Cumulative Supplement, 2016; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Hilkemann	McCollister	Stinner
Baker	Ebke	Hughes	McDonnell	Thibodeau
Blood	Erdman	Kolowski	Morfeld	Vargas
Bolz	Friesen	Kolterman	Murante	Walz
Bostelman	Geist	Krist	Pansing Brooks	Watermeier
Brasch	Groene	Kuehn	Quick	Wayne
Brewer	Halloran	Larson	Riepe	Williams
Briese	Hansen	Lindstrom	Scheer	Wishart
Chambers	Harr	Linehan	Schumacher	
Clements	Hilgers	Lowe	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Howard

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1121 with 33 ayes, 4 nays, and 12 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1121.

A BILL FOR AN ACT relating to the Nebraska Uniform Limited Liability Company Act; to amend section 21-101, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Uniform Protected Series Act; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Baker	Friesen	Kolowski	Murante	Walz
Blood	Geist	Kolterman	Pansing Brooks	Watermeier
Bolz	Groene	Kuehn	Quick	Wayne
Brasch	Hansen	Larson	Riepe	Williams
Brewer	Harr	Lindstrom	Scheer	Wishart
Briese	Hilgers	Linehan	Smith	
Chambers	Hilkemann	McCollister	Stinner	
Crawford	Howard	McDonnell	Thibodeau	
Ebke	Hughes	Morfeld	Vargas	

Voting in the negative, 2:

Clements Erdman

Present and not voting, 6:

Albrecht	Halloran	Lowe
Bostelman	Krist	Schumacher

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1121A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1121, One Hundred Fifth Legislature, Second Session, 2018.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Baker	Friesen	Kolterman	Pansing Brooks	Walz
Blood	Geist	Kuehn	Quick	Watermeier
Bolz	Groene	Larson	Riepe	Wayne
Brasch	Hansen	Lindstrom	Scheer	Williams
Brewer	Harr	Linehan	Schumacher	Wishart
Briese	Hilgers	McCollister	Smith	
Chambers	Hilkemann	McDonnell	Stinner	
Crawford	Howard	Morfeld	Thibodeau	
Ebke	Hughes	Murante	Vargas	

Voting in the negative, 2:

Clements Erdman

Present and not voting, 6:

Albrecht	Halloran	Krist
Bostelman	Kolowski	Lowe

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 258, 439, 439A, 596, 714, 745, 803, 827, 865, 901, 906, 923, 990, 990A, 1009, 1090, 1090A, 1098, 1119, 1132, 738, 738A, 776, 841, 902, 1040, 751, 861, 994, 994A, 1081, 1081A, 1089, 1121, and 1121A.

PROPOSED RULES CHANGES

The Rules Committee offered the proposed rules change, found on pages 802 and 1476, offered by Senator Scheer.

The Scheer proposed rules change was adopted with 44 ayes, 0 nays, and 5 present and not voting.

The Rules Committee offered the proposed rules change, found on page 803, offered by Senator Watermeier, as amended by the Rules Committee found on page 1477.

The Rules Committee amendment was adopted with 44 ayes, 0 nays, and 5 present and not voting.

The Watermeier proposed rules change, as amended, was adopted with 44 ayes, 0 nays, and 5 present and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 266. Read. Considered.

LR266 was adopted with 39 ayes, 0 nays, and 10 present and not voting.

LEGISLATIVE RESOLUTION 296. Read. Considered.

Committee AM2179, found on page 880, was offered.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Krist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 3 nays, and 15 not voting.

Senator Krist requested a record vote on the committee amendment.

Voting in the affirmative, 37:

Baker	Crawford	Hilkemann	McCollister	Walz
Blood	Ebke	Howard	McDonnell	Watermeier
Bolz	Friesen	Hughes	Morfeld	Wayne
Bostelman	Geist	Kolowski	Pansing Brooks	Williams
Brewer	Halloran	Kolterman	Quick	Wishart
Briese	Hansen	Krist	Schumacher	
Chambers	Harr	Kuehn	Thibodeau	
Clements	Hilgers	Linehan	Vargas	

Voting in the negative, 6:

Albrecht	Erdman	Lowe
Brasch	Larson	Riepe

Present and not voting, 6:

Groene	Murante	Smith
Lindstrom	Scheer	Stinner

The committee amendment was adopted with 37 ayes, 6 nays, and 6 present and not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 34 ayes, 3 nays, and 12 not voting.

Senator Walz requested a roll call vote, in reverse order, on the adoption of the resolution.

Voting in the affirmative, 26:

Baker	Friesen	Krist	Scheer	Wayne
Blood	Hansen	McCollister	Schumacher	Wishart
Bolz	Harr	McDonnell	Thibodeau	
Chambers	Hilkemann	Morfeld	Vargas	
Crawford	Howard	Pansing Brooks	Walz	
Ebke	Kolowski	Quick	Watermeier	

Voting in the negative, 13:

Albrecht	Brewer	Geist	Linehan	Riepe
Bostelman	Briese	Groene	Lowe	
Brasch	Erdman	Hilgers	Murante	

Present and not voting, 9:

Clements	Hughes	Kuehn	Smith	Williams
Halloran	Kolterman	Lindstrom	Stinner	

Excused and not voting, 1:

Larson

LR296, as amended, was adopted with 26 ayes, 13 nays, 9 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 11, 2018, at 9:45 a.m. were the following: LBs 982, 983, 1000e, 1003, 1012, 1030, 1036, 1038e, 1052, 1070, and 1110.

Presented to the Governor on April 11, 2018, at 11:17 a.m. were the following: LBs 258, 439, 439A, 596, 714, 745, 803, 827, 865, 901, 906, 923, 990, 990A, 1009, 1090, 1090A, 1098, 1119, 1132, 738, 738A, 776, 841, 902, 1040, 751, 861, 994e, 994A, 1081, 1081A, 1089e, 1121, and 1121A.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

EXPLANATION(S) OF VOTE(S)

Had I been present, I would have voted "aye" on final passage of LBs 982, 983, 1000e, 1003, and 1012.

(Signed) Theresa Thibodeau

REFERENCE COMMITTEE REPORT

2018 Resolution calling for an Interim Study

LR482	Interim study to examine existing barriers that prohibit the establishment of mobile massage establishments	Health and Human Services
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(Signed) Dan Watermeier, Chairperson
Executive Board

VISITORS

Visitors to the Chamber were Senator Krist's daughter, Courtney Krist; 12 social work students from Union College in Lincoln; 40 high school students from Superior; 60 fourth-grade students from Bel Air Elementary, Norfolk; 75 fourth-grade students from Birchcrest Elementary, Bellevue; 19 fourth-grade students from Karen Western Elementary, Ralston; 60 fourth-grade students from St. Robert Bellarmine School, Omaha; Senator Thibodeau's daughter, Ella, from Omaha; Sally Barrett from Omaha; and 24 twelfth-grade students and teachers from Hartington-Newcastle.

The Doctor of the Day was Dr. John Brady from La Vista.

ADJOURNMENT

At 1:02 p.m., on a motion by Senator Groene, the Legislature adjourned until 1:00 p.m., Wednesday, April 18, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTIETH DAY - APRIL 18, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 18, 2018

PRAYER

The prayer was offered by Senator Williams.

ROLL CALL

Pursuant to adjournment, the Legislature met at 1:00 p.m., President Foley presiding.

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

MESSAGE(S) FROM THE GOVERNOR

April 11, 2018

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 741e, 760e, 903e, 909e, 940e, 940Ae, 1008e, and 1091e were received in my office on April 6, 2018.

These bills were signed and delivered to the Secretary of State on April 11, 2018.

Sincerely,
(Signed) Pete Ricketts
Governor

April 11, 2018

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 497, 629, 682, 701, 708, 717, 732, 733, 742e, 749, 766, 786, 799, 812e, 815, 840, 847, 848, 859, 885, and 889 were received in my office on April 10, 2018.

These bills were signed and delivered to the Secretary of State on April 11, 2018.

(Signed) Sincerely,
Pete Ricketts
Governor

April 13, 2018

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 1119 was received in my office on April 11, 2018.

This bill was signed and delivered to the Secretary of State on April 13, 2018.

(Signed) Sincerely,
Pete Ricketts
Governor

April 17, 2018

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 258, 439, 439A, 596, 714, 738, 738A, 745, 751, 776, 803, 827, 841, 861, 865, 901, 902, 906, 923, 982, 983, 990, 990A, 994e, 994A, 1000e, 1003, 1009, 1012, 1030, 1036, 1038e, 1040, 1052, 1070, 1081, 1081A, 1089e, 1090, 1090A, 1098, 1110, 1121, and 1132 were received in my office on April 11, 2018.

These bills were signed and delivered to the Secretary of State on April 17, 2018.

Sincerely,
(Signed) Pete Ricketts
Governor

April 17, 2018

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

I am returning LB 1121A without my signature and with my objections.

The appropriation provided for in LB 1121A is not needed for implementation of the bill. The fiscal impact upon the Secretary of State's office was removed from FY2018-19 when the operative date was changed from January 1, 2019 to January 1, 2021.

The 2019-2021 biennial budget submission of the Secretary of State should include the appropriation request necessary to implement LB 1121.

For this reason, I urge you to sustain my veto of LB 1121A.

Thank you.

Sincerely,
(Signed) Pete Ricketts
Governor

COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR296.

(Signed) Anna Wishart, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 296. Introduced by Walz, 15.

WHEREAS, an individual residing at Life Quest at the Coolidge Center, a state-licensed care facility in Palmer, died on September 3, 2017, after three days of life-threatening symptoms; and

WHEREAS, the Department of Health and Human Services produced an eighty-one page report of violations found during inspections in June and

July of 2017 and another six-page report after a visit in September of 2017. These reports were not released until officials revoked the facility's mental health care license on October 5, 2017, a month after the incident occurred. The revocation took effect fifteen days later; and

WHEREAS, the report indicates that the Department of Health and Human Services knew of multiple violations in the months preceding the closure of this facility. If more immediate action had been taken to remedy these violations or draw attention to the inequities in quality of care standards, a life could have been saved; and

WHEREAS, the circumstances surrounding this event have garnered media attention throughout Nebraska, along with scrutiny from the public. This care facility, as well as multiple others in the past few years, including Hotel Pawnee in North Platte and Park View Villa in Gothenburg, have been shut down due to violations regarding maintenance, cleanliness, and personnel issues; and

WHEREAS, the individuals affected by these policies are some of the most vulnerable in our community. The citizens of Nebraska have a right to know the standard of care to which our governmental organizations are held, including, but not limited to, policies, procedures, and regulations regarding oversight of assisted living facilities and mental health centers; and

WHEREAS, under Title II of the Americans with Disabilities Act (ADA) it is illegal for public entities, namely state and local governments, to deny the benefits of programs, services, or activities to qualified individuals with disabilities; and

WHEREAS, the regulations which implement Title II mandate that state governments administer services "in the most integrated settings appropriate to the needs of qualified individuals with disabilities"; and

WHEREAS, the integration mandate in the ADA is implicated when a public entity administers its programs in a manner that results in unjustified segregation of persons with disabilities; and

WHEREAS, a public entity may violate the integration mandate in the ADA when it: (1) Directly or indirectly operates facilities or programs that segregate individuals with disabilities; (2) finances the segregation of individuals with disabilities in private facilities; or (3) through planning, service system design, funding choices, or service implementation practices, promotes or relies upon the segregation of individuals with disabilities in private facilities or programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the State-Licensed Care Facilities Oversight Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The committee shall elect a chairperson and vice-chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff.

2. The State-Licensed Care Facilities Oversight Committee shall limit the scope of its inquiry to assisted living facilities where many of the residents are diagnosed with a mental illness. The oversight committee shall also examine the recent closures of the mental health centers known as Life Quest, located in Palmer and Blue Hill.

3. The State-Licensed Care Facilities Oversight Committee of the Legislature is hereby authorized to study the lack of adequate conditions of state-licensed care facilities, the treatment of individuals residing in such facilities, the effectiveness of regulation and licensure by the Division of Public Health in providing oversight, and how the Department of Health and Human Services implements and administers its behavioral health services through the behavioral health regions to address the needs of this vulnerable population. The committee shall also investigate what steps the department has taken to advance the recommendations proposed by the Technical Assistance Collaborative as a consultant to the department, namely, the reasons that assisted living facilities are the primary residential options for individuals with severe and persistent mental illness and alternatives such as permanent supportive housing and services do not exist. The committee shall also investigate whether the department is taking adequate steps to ensure behavioral health services are administered in the most integrated setting pursuant to the ADA. The committee shall utilize existing studies, reports, and legislation developed to address the current conditions. The committee shall not be limited to such studies, reports, or legislation.

4. The State-Licensed Care Facilities Oversight Committee of the Legislature shall issue a report with its findings and recommendations to the Legislature on or before December 15, 2018.

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 April 17, 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

Dunning, Matthew
Nebraska Association of School Boards (Withdrawn 04/11/2018)
Hatfield, Scott S.
CWB Holdings

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 266 and 296.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 477, 478, 479, 480, 481, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, and 496 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 477, 478, 479, 480, 481, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, and 496.

MOTION(S) - Confirmation Report(s)

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1145:

Nebraska Educational Telecommunications Commission
 Nicholas Baxter
 Frederik Ohles

Voting in the affirmative, 47:

Albrecht	Crawford	Howard	McCollister	Thibodeau
Baker	Ebke	Hughes	McDonnell	Vargas
Blood	Erdman	Kolowski	Morfeld	Walz
Bolz	Friesen	Kolterman	Murante	Watermeier
Bostelman	Geist	Krist	Pansing Brooks	Wayne
Brasch	Groene	Kuehn	Quick	Williams
Brewer	Halloran	Larson	Riepe	Wishart
Briese	Hansen	Lindstrom	Scheer	
Chambers	Hilgers	Linehan	Schumacher	
Clements	Hilkemann	Lowe	Smith	

Voting in the negative, 0.

Present and not voting, 2:

Harr Stinner

The appointments were confirmed with 47 ayes, 0 nays, and 2 present and not voting.

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1145:

Coordinating Commission for Postsecondary Education
Paul Von Behren

Voting in the affirmative, 47:

Albrecht	Crawford	Howard	McDonnell	Thibodeau
Baker	Ebke	Hughes	Morfeld	Vargas
Blood	Erdman	Kolowski	Murante	Walz
Bolz	Friesen	Kolterman	Pansing Brooks	Watermeier
Bostelman	Geist	Kuehn	Quick	Wayne
Brasch	Groene	Larson	Riepe	Williams
Brewer	Halloran	Lindstrom	Scheer	Wishart
Briese	Hansen	Linehan	Schumacher	
Chambers	Hilgers	Lowe	Smith	
Clements	Hilkemann	McCollister	Stinner	

Voting in the negative, 0.

Present and not voting, 2:

Harr Krist

The appointment was confirmed with 47 ayes, 0 nays, and 2 present and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1160:

Nebraska Environmental Trust Board
John W. Orr

Voting in the affirmative, 45:

Albrecht	Clements	Hilkemann	Linehan	Smith
Baker	Crawford	Howard	Lowe	Stinner
Blood	Ebke	Hughes	McDonnell	Thibodeau
Bolz	Erdman	Kolowski	Murante	Vargas
Bostelman	Friesen	Kolterman	Pansing Brooks	Walz
Brasch	Geist	Krist	Quick	Watermeier
Brewer	Halloran	Kuehn	Riepe	Wayne
Briese	Hansen	Larson	Scheer	Williams
Chambers	Hilgers	Lindstrom	Schumacher	Wishart

Voting in the negative, 0.

Present and not voting, 4:

Groene Harr McCollister Morfeld

The appointment was confirmed with 45 ayes, 0 nays, and 4 present and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1528:

Nebraska Tourism Commission
Jeanna Stavas

Voting in the affirmative, 44:

Albrecht	Crawford	Hilgers	Linehan	Stinner
Baker	Ebke	Hilkemann	McCollister	Thibodeau
Blood	Erdman	Howard	McDonnell	Vargas
Bostelman	Friesen	Hughes	Murante	Walz
Brasch	Geist	Kolowski	Pansing Brooks	Watermeier
Brewer	Groene	Krist	Quick	Wayne
Briese	Halloran	Kuehn	Riepe	Williams
Chambers	Hansen	Larson	Schumacher	Wishart
Clements	Harr	Lindstrom	Smith	

Voting in the negative, 0.

Present and not voting, 5:

Bolz	Kolterman	Lowe	Morfeld	Scheer
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The appointment was confirmed with 44 ayes, 0 nays, and 5 present and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1528:

Nebraska Accountability and Disclosure Commission
Kate Sullivan

Voting in the affirmative, 47:

Albrecht	Crawford	Hilkemann	McDonnell	Thibodeau
Baker	Ebke	Hughes	Morfeld	Vargas
Blood	Erdman	Kolowski	Murante	Walz
Bolz	Friesen	Kolterman	Pansing Brooks	Watermeier
Bostelman	Geist	Krist	Quick	Wayne
Brasch	Groene	Kuehn	Riepe	Williams
Brewer	Halloran	Larson	Scheer	Wishart
Briese	Hansen	Lindstrom	Schumacher	
Chambers	Harr	Linehan	Smith	
Clements	Hilgers	Lowe	Stinner	

Voting in the negative, 0.

Present and not voting, 2:

Howard McCollister

The appointment was confirmed with 47 ayes, 0 nays, and 2 present and not voting.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1005 with 39 ayes, 2 nays, and 8 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1005. With Emergency Clause.

A BILL FOR AN ACT relating to government; to amend sections 23-2302, 23-2305, 23-2306.02, 23-2306.03, 23-2310.05, 23-2323.02, 23-2323.03, 23-3527, 24-704, 24-704.01, 24-710, 24-710.05, 24-710.06, 79-904, 79-905, 79-907, 79-915, 79-924, 79-933.01, 79-933.02, 79-933.03, 79-933.04, 79-933.07, 81-2019, 81-2031.03, 81-2031.04, 84-1305, 84-1310.01, 84-1311.03, 84-1312, 84-1313, 85-122, and 85-123.01, Reissue Revised Statutes of Nebraska, sections 23-2305.01, 23-2306, 23-2309.01, 79-9,113, 81-2019.01, 81-2026, and 84-1305.02, Revised Statutes Cumulative Supplement, 2016, and sections 23-2323.01, 79-902, 79-904.01, 79-926, 79-978, 79-1003, 79-1028.01, 81-2014, 84-1301, 84-1325, and 84-1503, Revised Statutes Supplement, 2017; to change provisions relating to employer removal or withdrawal from the Retirement System for Nebraska Counties or the School Employees Retirement System of the State of Nebraska; to change provisions relating to facility participation in a retirement system under the County Employees Retirement Act; to provide authority relating to the adoption of bylaws, prescription of forms, and adoption and promulgation of rules and regulations by the Public Employees Retirement Board to carry out state-administered retirement acts as prescribed; to redefine actuarial equivalent in the School Employees Retirement Act, the Nebraska State Patrol Retirement Act, and the State Employees Retirement Act; to change calculation of retirement benefits and required contributions under the Class V School Employees Retirement Act; to redefine a term and change an exclusion to levy limitations and budget limitations under the Tax Equity and Educational Opportunities Support Act; to change provisions relating to investment and management of the University Trust Fund; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Hilkemann	Lowe	Smith
Baker	Ebke	Howard	McCollister	Stinner
Blood	Erdman	Hughes	McDonnell	Thibodeau
Bolz	Friesen	Kolowski	Morfeld	Vargas
Bostelman	Geist	Kolterman	Murante	Walz
Brasch	Groene	Krist	Pansing Brooks	Wayne
Brewer	Halloran	Kuehn	Quick	Williams
Briese	Hansen	Larson	Riepe	Wishart
Chambers	Harr	Lindstrom	Scheer	
Clements	Hilgers	Linehan	Schumacher	

Voting in the negative, 0.

Excused and not voting, 1:

Watermeier

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 117.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Investigational Drug Use Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Baker	Crawford	Kolterman	Morfeld	Smith
Blood	Ebke	Krist	Murante	Stinner
Bolz	Hansen	Larson	Pansing Brooks	Vargas
Bostelman	Harr	Lindstrom	Quick	Walz
Brewer	Hilkemann	Linehan	Riepe	Wayne
Briese	Howard	McCollister	Scheer	Williams
Chambers	Kolowski	McDonnell	Schumacher	Wishart

Voting in the negative, 13:

Albrecht	Erdman	Groene	Hughes	Thibodeau
Brasch	Friesen	Halloran	Kuehn	
Clements	Geist	Hilgers	Lowe	

Excused and not voting, 1:

Watermeier

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB194 with 37 ayes, 4 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 194.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend sections 45-804, 45-904, 45-907, 45-911, 45-915.01, 45-917, 45-918, 45-921, 45-922, 45-923, and 45-1001, Reissue Revised Statutes of Nebraska, section 45-901, Revised Statutes Cumulative Supplement, 2016, and sections 45-902 and 45-919, Revised Statutes Supplement, 2017; to prohibit certain fees under the Credit Services Organization Act; to change provisions relating to the Delayed Deposit Services Licensing Act; to define and redefine terms; to change and add prohibited acts by licensees and their affiliates; to add and change provisions relating to notice, fees, collection of returned checks, prepayment, rescission of a delayed deposit transaction, payment of proceeds, distribution and amount of fines, and cease and desist orders; to provide for extended payment plans; to provide reporting duties for licensees and the Department of Banking and Finance; to provide for a minimum term for loans under the Nebraska Installment Loan Act; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Crawford	Hilkemann	Lowe	Smith
Baker	Ebke	Howard	McCollister	Stinner
Blood	Erdman	Hughes	McDonnell	Thibodeau
Bolz	Friesen	Kolowski	Morfeld	Vargas
Bostelman	Geist	Kolterman	Murante	Walz
Brasch	Groene	Krist	Pansing Brooks	Watermeier
Brewer	Halloran	Kuehn	Quick	Wayne
Briese	Hansen	Larson	Riepe	Williams
Chambers	Harr	Lindstrom	Scheer	Wishart
Clements	Hilgers	Linehan	Schumacher	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB299 with 36 ayes, 3 nays, and 10 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 299.

A BILL FOR AN ACT relating to professions and occupations; to amend section 84-910, Reissue Revised Statutes of Nebraska, sections 84-901.02 and 84-920, Revised Statutes Cumulative Supplement, 2016, and section 84-907.06, Revised Statutes Supplement, 2017; to adopt the Occupational Board Reform Act; to change provisions relating to certain rules and regulations; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Albrecht	Ebke	Hilkemann	Lowe	Schumacher
Baker	Erdman	Howard	McCollister	Smith
Blood	Friesen	Hughes	McDonnell	Stinner
Brasch	Geist	Kolowski	Morfeld	Thibodeau
Brewer	Groene	Kolterman	Murante	Walz
Briese	Halloran	Kuehn	Pansing Brooks	Watermeier
Chambers	Hansen	Larson	Quick	Wayne
Clements	Harr	Lindstrom	Riepe	Williams
Crawford	Hilgers	Linehan	Scheer	Wishart

Voting in the negative, 1:

Bostelman

Present and not voting, 3:

Bolz Krist Vargas

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 449.

A BILL FOR AN ACT relating to prairie dogs; to repeal the Black-Tailed Prairie Dog Management Act; and to outright repeal sections 23-3801, 23-3802, 23-3803, 23-3804, 23-3805, 23-3806, 23-3807, 23-3808, 23-3809, and 23-3810, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

Albrecht	Ebke	Kolowski	Quick	Wayne
Baker	Groene	Krist	Scheer	Wishart
Blood	Hansen	McCollister	Schumacher	
Bolz	Harr	McDonnell	Smith	
Chambers	Hilkemann	Morfeld	Vargas	
Crawford	Howard	Pansing Brooks	Walz	

Voting in the negative, 13:

Bostelman	Clements	Geist	Hughes	Riepe
Brewer	Erdman	Halloran	Larson	
Briese	Friesen	Hilgers	Murante	

Present and not voting, 10:

Brasch	Kuehn	Linehan	Stinner	Watermeier
Kolterman	Lindstrom	Lowe	Thibodeau	Williams

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendments to LB496

Senator Friesen withdrew his amendment, AM1413, found on page 1565, First Session, 2017, to LB496.

Senator Williams withdrew his amendment, AM2816, found on page 1428, to LB496.

MOTION(S) - Return LB496 to Select File

Senator Erdman moved to return LB496 to Select File for the following specific amendment:

FA165

Strike the enacting clause.

Senator Stinner offered the following motion:

MO353

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 34:

Albrecht	Geist	Kolowski	Murante	Thibodeau
Baker	Hansen	Kolterman	Pansing Brooks	Vargas
Blood	Harr	Krist	Quick	Walz
Bolz	Hilgers	Lindstrom	Riepe	Wayne
Chambers	Hilkemann	McCollister	Scheer	Williams
Crawford	Howard	McDonnell	Smith	Wishart
Ebke	Hughes	Morfeld	Stinner	

Voting in the negative, 10:

Bostelman	Brewer	Friesen	Halloran	Schumacher
Brasch	Erdman	Groene	Kuehn	Watermeier

Present and not voting, 5:

Briese	Clements	Larson	Linehan	Lowe
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The Stinner motion to invoke cloture prevailed with 34 ayes, 10 nays, and 5 present and not voting.

The Erdman motion to return to Select File failed with 11 ayes, 32 nays, and 6 present and not voting.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 496.

A BILL FOR AN ACT relating to the Community Development Law; to amend sections 18-2101 and 18-2103, Revised Statutes Cumulative Supplement, 2016; to define and redefine terms; to provide and change requirements for certain redevelopment projects; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Albrecht	Geist	Kolowski	Morfeld	Stinner
Baker	Hansen	Kolterman	Murante	Thibodeau
Blood	Harr	Krist	Pansing Brooks	Vargas
Bolz	Hilgers	Larson	Quick	Walz
Chambers	Hilkemann	Lindstrom	Riepe	Wayne
Crawford	Howard	McCollister	Scheer	Williams
Ebke	Hughes	McDonnell	Smith	Wishart

Voting in the negative, 8:

Brasch	Friesen	Halloran	Schumacher
Erdman	Groene	Kuehn	Watermeier

Present and not voting, 6:

Bostelman	Briese	Linehan
Brewer	Clements	Lowe

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB670 with 40 ayes, 3 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 670. With Emergency Clause.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-248, 43-250, 43-251.01, 43-251.02, 43-260.01, 43-1238, 43-2401, 43-2404.01, 43-2404.02, 43-2409, 43-2411, and 43-2412, Reissue Revised Statutes of Nebraska, sections 71-1940, 83-4,125, and 83-4,134.01, Revised Statutes Cumulative Supplement, 2016, and sections 43-253 and 43-286, Revised Statutes Supplement, 2017; to eliminate obsolete provisions; to change provisions relating to temporary custody of a juvenile, referral of children and parents to community-based providers, and procedures for alleged violations of probation, supervision, or court orders by juveniles; to change provisions relating to placement and detention of juveniles; to provide for an additional use of funds under the Community-based Juvenile Services Aid Program; to provide for jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act to make factual findings as prescribed; to change provisions relating to the membership, powers, and duties of the Nebraska Coalition for Juvenile Justice; to change grounds for licensure and disciplinary actions under the Children's Residential Facilities and Placing Licensure Act; to redefine a term; to change provisions relating to room confinement of juveniles; to eliminate the position of coordinator for the Nebraska Coalition for Juvenile Justice; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 43-2413, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Albrecht	Ebke	Kolterman	Pansing Brooks	Walz
Baker	Geist	Krist	Quick	Watermeier
Blood	Hansen	Larson	Riepe	Wayne
Bolz	Harr	Lindstrom	Scheer	Williams
Bostelman	Hilgers	Linehan	Schumacher	Wishart
Briese	Hilkemann	McCollister	Stinner	
Chambers	Howard	McDonnell	Thibodeau	
Crawford	Kolowski	Morfeld	Vargas	

Voting in the negative, 4:

Clements	Erdman	Groene	Lowe
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Present and not voting, 8:

Brasch	Friesen	Hughes	Murante
Brewer	Halloran	Kuehn	Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 729.

A BILL FOR AN ACT relating to the State Tort Claims Act; to amend section 81-8,219, Revised Statutes Supplement, 2017; to allow certain tort claims for misrepresentation or deceit by the Department of Health and Human Services; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Crawford	Hilkemann	Lowe	Smith
Baker	Ebke	Howard	McCollister	Sinner
Blood	Erdman	Hughes	McDonnell	Thibodeau
Bolz	Friesen	Kolowski	Morfeld	Vargas
Bostelman	Geist	Kolterman	Murante	Walz
Brasch	Groene	Krist	Pansing Brooks	Watermeier
Brewer	Halloran	Kuehn	Quick	Wayne
Briese	Hansen	Larson	Riepe	Williams
Chambers	Harr	Lindstrom	Scheer	Wishart
Clements	Hilgers	Linehan	Schumacher	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB731 with 37 ayes, 2 nays, and 10 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 731.

A BILL FOR AN ACT relating to public health; to amend sections 38-131, 38-145, 38-1001, 38-1004, 38-1005, 38-1017, 38-1018, 38-1028, 38-1036, 38-1038, 38-1043, 38-1058, 38-1061, 38-1062, 38-1063, 38-1065, 38-1069,

38-1073, 38-1074, 38-1075, 38-1086, 38-1097, 38-1099, 38-10,100, 38-10,102, 38-10,103, 38-10,104, 38-10,105, 38-10,107, 38-10,108, 38-10,112, 38-10,120, 38-10,128, 38-10,129, 38-10,131, 38-10,133, 38-10,135, 38-10,142, 38-10,147, 38-10,150, 38-10,152, 38-10,153, 38-10,154, 38-10,156, 38-10,171, 38-2833, 38-2847, 38-2891, 38-28,106, 38-3208, 71-203, 71-204, 71-208.08, 71-224, and 71-425, Reissue Revised Statutes of Nebraska, sections 71-202.01, 71-208, 71-403, 71-2448, and 71-2483, Revised Statutes Cumulative Supplement, 2016, and sections 38-1066, 38-1070, 38-10,132, 38-2801, 38-2802, 38-2870, 38-2892, and 71-401, Revised Statutes Supplement, 2017; to require criminal background checks for physical therapists and physical therapy assistants; to require continuing education regarding the prescribing of opiates; to define, redefine, change, and eliminate definitions and provide for licensure of mobile cosmetology salons and mobile nail technology salons under the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act; to eliminate certain provisions relating to cosmeticians, cosmetic establishments, electrology establishments, guest artists, guest body artists, students, and schools; to change licensure requirements for cosmetologists, nail technicians, instructors, and barbers; to change and eliminate requirements for salons, colleges, and schools; to eliminate liability of managers as prescribed; to authorize practice for purposes of the Respiratory Care Practice Act; to provide for licensing of mobile barber shops under the Barber Act; to change provisions relating to dispensing of controlled substances; to provide for licensure of remote dispensing pharmacies under the Pharmacy Practice Act and the Health Care Facility Licensure Act; to adopt the Physical Therapy Licensure Compact; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to outright repeal sections 38-1013, 38-1014, 38-1022, 38-1029, 38-1030, 38-1071, 38-1072, 38-1091, 38-1092, 38-1093, 38-1094, 38-1095, 38-1096, 38-10,106, and 38-10,155, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Crawford	Hilkemann	Lowe	Smith
Baker	Ebke	Howard	McCollister	Stinner
Blood	Erdman	Hughes	McDonnell	Thibodeau
Bolz	Friesen	Kolowski	Morfeld	Vargas
Bostelman	Geist	Kolterman	Murante	Walz
Brasch	Groene	Krist	Pansing Brooks	Watermeier
Brewer	Halloran	Kuehn	Quick	Wayne
Briese	Hansen	Larson	Riepe	Williams
Chambers	Harr	Lindstrom	Scheer	Wishart
Clements	Hilgers	Linehan	Schumacher	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 731A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 731, One Hundred Fifth Legislature, Second Session, 2018.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Howard	Morfeld	Vargas
Baker	Ebke	Hughes	Murante	Walz
Blood	Friesen	Kolterman	Pansing Brooks	Watermeier
Bolz	Geist	Krist	Quick	Wayne
Bostelman	Groene	Larson	Riepe	Williams
Brasch	Halloran	Lindstrom	Scheer	Wishart
Brewer	Hansen	Linehan	Schumacher	
Briese	Harr	Lowe	Smith	
Chambers	Hilgers	McCollister	Stinner	
Clements	Hilkemann	McDonnell	Thibodeau	

Voting in the negative, 0.

Present and not voting, 3:

Erdman	Kolowski	Kuehn
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendments to LB791

Senator Hansen withdrew his amendment, AM2744, found on page 1345, to LB791.

Senator Blood withdrew her amendment, AM2809, found on page 1390, to LB791.

Senator McDonnell withdrew his amendment, FA146, found on page 1438, to LB791.

Senator Hansen withdrew his amendments, AM2838, AM2840, and AM2848, found on page 1438, to LB791.

Senator Quick withdrew his amendment, AM2837, found on page 1438, to LB791.

Senator Hansen withdrew his amendment, AM2901, found on page 1502, to LB791.

MOTION(S) - Return LB791 to Select File

Senator Quick moved to return LB791 to Select File for his specific amendment, FA147, found on page 1438.

Senator Quick withdrew his motion to return.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 791. With Emergency Clause.

A BILL FOR AN ACT relating to employment; to amend sections 81-1377 and 81-1425, Reissue Revised Statutes of Nebraska; to provide duties for agencies employing law enforcement officers relating to changes in employment status, maintenance and retention of records relating to separation from service and certain types of conduct, and reporting as prescribed; to require a waiver by certain law enforcement officer candidates as prescribed; to provide duties for former and prospective employers; to provide for certain disclosures and access relating to disciplinary actions and investigations of Nebraska State Patrol employees; to authorize the executive director of the Nebraska Commission on Law Enforcement and Criminal Justice to issue subpoenas of witnesses and documents from the Nebraska State Patrol as prescribed; to provide for reports of sexual harassment to the Department of Administrative Services and to provide powers, duties, and prohibitions related to such reports; to provide for applicability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Albrecht	Ebke	Howard	Lowe	Thibodeau
Baker	Erdman	Hughes	Morfeld	Vargas
Bostelman	Friesen	Kolowski	Murante	Walz
Brasch	Geist	Kolterman	Riepe	Watermeier
Brewer	Groene	Kuehn	Scheer	Williams
Briese	Halloran	Larson	Schumacher	Wishart
Chambers	Hilgers	Lindstrom	Smith	
Clements	Hilkemann	Linehan	Stinner	

Voting in the negative, 2:

Hansen Krist

Present and not voting, 9:

Blood	Crawford	McCollister	Pansing Brooks	Wayne
Bolz	Harr	McDonnell	Quick	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB793 with 36 ayes, 3 nays, and 10 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 793. With Emergency Clause.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 68-1111, 68-1113, 68-1114, 68-1115, 68-1116, 68-1117, 68-1118, and 68-1119, Revised Statutes Cumulative Supplement, 2016, and sections 71-7611, 83-1201, and 83-1216, Revised Statutes Supplement, 2017; to rename the Aging and Disability Resource Center Demonstration Project Act; to state and restate intent; to redefine terms; to provide for establishment of aging and disability resource centers; to provide powers and duties; to require reports; to eliminate provisions relating to grants and references to aging and disability resource center demonstration projects; to change transfer provisions for the Nebraska Health Care Cash Fund; to change provisions relating to the provision of services under the Developmental Disabilities Services Act; to provide a termination date; to harmonize provisions; to appropriate funds; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Hughes	McDonnell	Vargas
Baker	Ebke	Kolowski	Morfeld	Walz
Blood	Friesen	Kolterman	Pansing Brooks	Watermeier
Bolz	Geist	Krist	Quick	Wayne
Bostelman	Groene	Kuehn	Riepe	Williams
Brasch	Halloran	Larson	Scheer	Wishart
Brewer	Harr	Lindstrom	Schumacher	
Briese	Hilgers	Linehan	Smith	
Chambers	Hilkemann	Lowe	Stinner	
Clements	Howard	McCollister	Thibodeau	

Voting in the negative, 1:

Erdman

Present and not voting, 2:

Hansen Murante

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 807. With Emergency Clause.

A BILL FOR AN ACT relating to state government; to state findings; to provide for replacement of statues in the National Statuary Hall of the United States Capitol as prescribed; to create committees and cash funds; to provide duties; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Albrecht	Crawford	Howard	McCollister	Stinner
Baker	Ebke	Hughes	McDonnell	Thibodeau
Blood	Erdman	Kolowski	Morfeld	Vargas
Bolz	Friesen	Kolterman	Murante	Walz
Bostelman	Geist	Krist	Pansing Brooks	Wayne
Brasch	Halloran	Kuehn	Quick	Williams
Brewer	Hansen	Larson	Riepe	Wishart
Briese	Harr	Lindstrom	Scheer	
Chambers	Hilgers	Linehan	Schumacher	
Clements	Hilkemann	Lowe	Smith	

Voting in the negative, 1:

Groene

Present and not voting, 1:

Watermeier

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 807A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 807, One Hundred Fifth Legislature, Second Session, 2018; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Howard	McDonnell	Thibodeau
Baker	Ebke	Hughes	Morfeld	Vargas
Blood	Erdman	Kolowski	Murante	Walz
Bolz	Friesen	Kolterman	Pansing Brooks	Wayne
Bostelman	Geist	Krist	Quick	Williams
Brasch	Halloran	Kuehn	Riepe	Wishart
Brewer	Hansen	Lindstrom	Scheer	
Briese	Harr	Linehan	Schumacher	
Chambers	Hilgers	Lowe	Smith	
Clements	Hilkemann	McCollister	Stinner	

Voting in the negative, 1:

Groene

Present and not voting, 2:

Larson Watermeier

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB845 with 38 ayes, 3 nays, and 8 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 845.

A BILL FOR AN ACT relating to families; to amend sections 30-1601, 30-2201, and 42-364, Reissue Revised Statutes of Nebraska, and sections 42-1301, 42-1302, 42-1303, and 42-1304, Revised Statutes Supplement, 2017; to define terms; to provide, change, and transfer provisions relating to denial of family member visitation and court proceedings related thereto; to state findings and to prohibit a preference in child custody determinations based on disability; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Crawford	Hilkemann	Lowe	Smith
Baker	Ebke	Howard	McCollister	Stinner
Blood	Erdman	Hughes	McDonnell	Thibodeau
Bolz	Friesen	Kolowski	Morfeld	Vargas
Bostelman	Geist	Kolterman	Murante	Walz
Brasch	Groene	Krist	Pansing Brooks	Watermeier
Brewer	Halloran	Kuehn	Quick	Wayne
Briese	Hansen	Larson	Riepe	Williams
Chambers	Harr	Lindstrom	Scheer	Wishart
Clements	Hilgers	Linehan	Schumacher	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION(S) - Return LB873 to Select File

Senator Groene moved to return LB873 to Select File for the following specific amendment:

FA166

Strike the enacting clause.

Senator Groene withdrew his motion to return.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB873 with 35 ayes, 1 nay, and 13 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 873.

A BILL FOR AN ACT relating to government; to amend sections 8-205, 13-1302, 14-403.01, 15-1102, 16-115, 16-118, 16-316, 16-321.01, 16-610, 16-611, 16-614, 16-629, 16-645, 16-648, 16-663, 16-671.01, 16-674, 16-675, 16-808, 18-1720, 19-201, 19-402, 19-403, 19-404, 19-405, 19-409, 19-411, 19-412, 19-413, 19-416, 19-417, 19-419, 19-421, 19-422, 19-423, 19-432, 19-433, 19-502, 19-503, 19-601, 19-603, 19-604, 19-605, 19-606, 19-607, 19-608, 19-609, 19-610, 19-611, 19-612, 19-613, 19-613.01, 19-615, 19-616, 19-617, 19-618, 19-619, 19-620, 19-645, 19-646, 19-647, 19-648, 19-662, 19-701, 19-702, 19-703, 19-704, 19-705, 19-706, 19-707, 19-708, 19-709, 19-710, 19-901, 19-902, 19-903, 19-904, 19-904.01, 19-905, 19-907, 19-908, 19-909, 19-910, 19-911, 19-912, 19-912.01, 19-913, 19-914, 19-915, 19-916, 19-917, 19-918, 19-919, 19-920, 19-921, 19-923, 19-925, 19-927, 19-928, 19-929, 19-930, 19-931, 19-932, 19-1103, 19-1104, 19-1301, 19-1302, 19-1303, 19-1304, 19-1305, 19-1306, 19-1307, 19-1308, 19-1309, 19-1310, 19-1311, 19-1312, 19-1401, 19-1402, 19-1403, 19-1404, 19-1501, 19-1502, 19-1826, 19-1829, 19-1830, 19-1833, 19-1834, 19-1836, 19-1839, 19-1846, 19-2101, 19-2102, 19-2103, 19-2104, 19-2105, 19-2106, 19-2201, 19-2202, 19-2203, 19-2302, 19-2303, 19-2304, 19-2401, 19-2403, 19-2405, 19-2406, 19-2410, 19-2411, 19-2412, 19-2413, 19-2414, 19-2416, 19-2417, 19-2419, 19-2420, 19-2421, 19-2422, 19-2423, 19-2424, 19-2425, 19-2426, 19-2428, 19-2429, 19-2430, 19-2432, 19-2701, 19-2901, 19-2902, 19-2904, 19-2905, 19-2907, 19-2908, 19-2909, 19-3052, 19-3101, 19-3302, 19-3303, 19-3304, 19-3305, 19-3306, 19-3307, 19-3308, 19-3309, 19-3310, 19-3311, 19-3312, 19-3313, 19-3314, 19-3315, 19-3315.01, 19-3316, 19-3317, 19-3318, 19-3319, 19-3320, 19-3321, 19-3322, 19-3323, 19-3324, 19-3325, 19-3326, 19-3327, 19-3701, 19-3801, 19-4019, 19-4022, 19-4032, 19-4035, 19-4036, 19-4629, 19-4630, 19-4632, 19-4633, 19-4634, 19-4636, 19-4638, 19-4701, 19-5001, 23-206, 23-339, 31-505, and 90-106,

Reissue Revised Statutes of Nebraska, sections 16-119, 16-238, 16-304, 16-305, 16-308, 16-309, 16-312, 16-313, 16-314, 16-317, 16-318, 16-319, 16-320, 16-321, 16-322, 16-323, 16-324, 16-326, 16-327, 16-401, 16-402, 16-403, 16-404, 16-405, 16-406, 16-501, 16-502, 16-503, 16-606, 16-609, 16-615, 16-618, 16-621, 16-624, 16-626, 16-627, 16-630, 16-631, 16-632, 16-637, 16-646, 16-647, 16-649, 16-650, 16-651, 16-652, 16-653, 16-654, 16-661, 16-662, 16-664, 16-665, 16-672, 16-672.07, 16-679, 16-680, 16-691, 16-691.01, 16-692, 16-693, 16-697, 16-699, 16-6,100, 16-702, 16-706, 16-707, 16-712, 16-713, 16-714, 16-716, 16-717, 16-718, 16-719, 16-720, 16-722, 16-723, 16-727, 16-728, 18-2705, 19-922, 19-2402, 19-2404, 19-2407, 19-2418, 19-2427, 19-4017, 19-4017.01, 19-4018, 19-4021, 19-4026, 19-4027, 19-4028, 19-4029, 19-4029.01, 19-4029.04, 19-4029.05, 19-4033, 19-4034, 19-4037, 19-5203, 19-5205, 19-5207, 77-2602, and 77-2701.04, Revised Statutes Cumulative Supplement, 2016, and sections 13-2705, 17-108.02, 17-121, 18-2709, 19-401, 19-415, 19-418, 19-602, 19-926, 19-1101, 19-1102, 19-1827, 19-3501, 19-4030, 19-4031, 32-538, 32-539, and 77-2701, Revised Statutes Supplement, 2017; to change provisions relating to cities of particular classes and villages; to correct and include city and village references as prescribed; to eliminate obsolete provisions; to repeal definitions; to provide for interlocal agreements between cities and villages and counties as prescribed for the abatement, removal, or prevention of nuisances; to change provisions relating to how population thresholds for municipalities are determined as prescribed; to redefine terms; to change references to cities, villages, and governing bodies; to redefine economic development program to include early childhood infrastructure development for cities of the first and second class and villages under the Local Option Municipal Economic Development Act; to expand the number of municipalities that may elect to create a land bank, change provisions relating to land bank board requirements, and change land bank powers under the Nebraska Municipal Land Bank Act; to change provisions relating to comprehensive plans for cities to provide for an early childhood element as prescribed; to authorize short-term rentals and an online hosting platform, sales tax collection procedures, Tax Commissioner duties, and a report relating to such rentals; to provide powers and duties for municipalities with respect to short-term rentals; to eliminate a requirement relating to use of the official state slogan and symbol on state letterhead and envelopes as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to outright repeal sections 19-101, 19-104, 19-407, and 19-924, Reissue Revised Statutes of Nebraska, sections 90-552 and 90-553, Revised Statutes Cumulative Supplement, 2016, and sections 19-102 and 19-103, Revised Statutes Supplement, 2017.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 26:

Blood	Howard	McDonnell	Schumacher	Williams
Bolz	Kolowski	Morfeld	Smith	Wishart
Chambers	Kolterman	Pansing Brooks	Stinner	
Crawford	Krist	Quick	Vargas	
Hansen	Lindstrom	Riepe	Walz	
Harr	McCollister	Scheer	Wayne	

Voting in the negative, 15:

Albrecht	Brewer	Geist	Hilgers	Lowe
Bostelman	Clements	Groene	Kuehn	Murante
Brasch	Erdman	Halloran	Larson	Watermeier

Present and not voting, 8:

Baker	Ebke	Hilkemann	Linehan
Briese	Friesen	Hughes	Thibodeau

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 953.

A BILL FOR AN ACT relating to labor; to amend sections 48-2907 and 48-2911, Reissue Revised Statutes of Nebraska, and section 48-139, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to lump-sum settlements; to prohibit contractors with unpaid fines under the Employee Classification Act from contracting with the state or a political subdivision; to change provisions relating to a required affidavit; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Crawford	Hilkemann	Lowe	Stinner
Baker	Ebke	Howard	McCollister	Thibodeau
Blood	Erdman	Hughes	McDonnell	Vargas
Bolz	Friesen	Kolowski	Morfeld	Walz
Bostelman	Geist	Kolterman	Murante	Watermeier
Brasch	Groene	Krist	Pansing Brooks	Wayne
Brewer	Halloran	Kuehn	Quick	Williams
Briese	Hansen	Larson	Scheer	Wishart
Chambers	Harr	Lindstrom	Schumacher	
Clements	Hilgers	Linehan	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Riepe

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 957.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-125, Revised Statutes Cumulative Supplement, 2016; to provide for certain payments by direct deposit, prepaid card, or similar electronic payment system; to define terms; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Crawford	Hilkemann	Lowe	Smith
Baker	Ebke	Howard	McCollister	Sinner
Blood	Erdman	Hughes	McDonnell	Thibodeau
Bolz	Friesen	Kolowski	Morfeld	Vargas
Bostelman	Geist	Kolterman	Murante	Walz
Brasch	Groene	Krist	Pansing Brooks	Watermeier
Brewer	Halloran	Kuehn	Quick	Wayne
Briese	Hansen	Larson	Riepe	Williams
Chambers	Harr	Lindstrom	Scheer	Wishart
Clements	Hilgers	Linehan	Schumacher	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 989.

A BILL FOR AN ACT relating to transportation; to authorize automated-driving-system-equipped vehicles, automated driving systems, driverless-capable vehicles, and on-demand driverless-capable vehicle networks as prescribed; to provide requirements, restrictions, and limitations; to provide powers and duties for the Department of Motor Vehicles; and to define terms.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Baker	Harr	Larson	Pansing Brooks	Thibodeau
Blood	Hilgers	Lindstrom	Quick	Vargas
Bolz	Hilkemann	Linehan	Riepe	Walz
Chambers	Howard	McCollister	Scheer	Wayne
Ebke	Kolowski	McDonnell	Schumacher	Williams
Geist	Kolterman	Morfeld	Smith	Wishart
Hansen	Krist	Murante	Stinner	

Voting in the negative, 8:

Bostelman	Brewer	Erdman	Halloran
Brasch	Clements	Friesen	Kuehn

Present and not voting, 7:

Albrecht	Crawford	Hughes	Watermeier
Briese	Groene	Lowe	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 998.

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 a program termination date; to provide powers and duties; to create a fund; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Baker	Hansen	Lindstrom	Scheer	Wayne
Blood	Harr	Linehan	Schumacher	Williams
Bolz	Hilkemann	McCollister	Smith	Wishart
Briese	Howard	McDonnell	Stinner	
Chambers	Kolowski	Morfeld	Thibodeau	
Crawford	Kolterman	Pansing Brooks	Vargas	
Ebke	Krist	Quick	Walz	

Voting in the negative, 15:

Albrecht	Brewer	Geist	Hilgers	Larson
Bostelman	Clements	Groene	Hughes	Lowe
Brasch	Erdman	Halloran	Kuehn	Murante

Present and not voting, 3:

Friesen	Riepe	Watermeier
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1034 with 38 ayes, 3 nays, and 8 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1034.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-122, 38-131, 38-321, 38-1201, 38-1204, 38-1205, 38-1208, 38-1215, 38-1216, 38-1219, 38-1221, 38-1224, 38-1225, 38-1229, 38-1232, 38-1237, 38-2025, 38-2026, 38-2104, 38-2112, 38-2115, 38-2117, 38-2122, 38-2123, 38-2124, 38-2518, 38-2519, 38-2521, 38-2826.01, 38-3101, 38-3111, 44-772, 44-792, 69-2429, 71-423, 71-430, 71-507, 71-906, and 71-1913, Reissue Revised Statutes of Nebraska, sections 71-403, 71-413, 71-474, 71-1908, 71-2411, 71-4204, 71-4205, 71-4209, and 77-2704.12, Revised Statutes Cumulative Supplement, 2016, and sections 28-401, 28-470, 29-2261, 38-319, 38-1217, 38-1218, 38-2125, 71-401, 71-2445, and 71-2454, Revised Statutes Supplement, 2017; to define and redefine terms; to change provisions relating to credentialing under the Uniform Credentialing Act, licensure under the Health Care Facility Licensure Act and the Child Care Licensing Act, the prescription drug monitoring system, and the Stroke System of Care Act; to change provisions of the Emergency Medical Services Practice Act as prescribed; to adopt the EMS Personnel Licensure Interstate Compact and the Psychology Interjurisdictional Compact; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Albrecht	Crawford	Hilkemann	Lowe	Smith
Baker	Ebke	Howard	McCollister	Stinner
Blood	Erdman	Hughes	McDonnell	Thibodeau
Bolz	Friesen	Kolowski	Morfeld	Vargas
Bostelman	Geist	Kolterman	Murante	Walz
Brasch	Groene	Krist	Pansing Brooks	Watermeier
Brewer	Halloran	Kuehn	Quick	Wayne
Briese	Hansen	Larson	Riepe	Williams
Chambers	Harr	Lindstrom	Scheer	Wishart
Clements	Hilgers	Linehan	Schumacher	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1034A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1034, One Hundred Fifth Legislature, Second Session, 2018.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Albrecht	Crawford	Howard	McDonnell	Vargas
Baker	Ebke	Hughes	Morfeld	Walz
Blood	Friesen	Kolowski	Murante	Watermeier
Bolz	Geist	Kolterman	Pansing Brooks	Wayne
Bostelman	Groene	Kuehn	Quick	Williams
Brasch	Halloran	Larson	Riepe	Wishart
Brewer	Hansen	Lindstrom	Scheer	
Briese	Harr	Linehan	Schumacher	
Chambers	Hilgers	Lowe	Stinner	
Clements	Hilkemann	McCollister	Thibodeau	

Voting in the negative, 0.

Present and not voting, 3:

Erdman	Krist	Smith
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A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

LEGISLATIVE BILL 1065.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-101, 32-330, and 32-913, Reissue Revised Statutes of Nebraska, and sections 32-301 and 32-304, Revised Statutes Supplement, 2017; to provide requirements for and authorize the use of electronic poll books as prescribed; to change provisions relating to digital signatures; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Albrecht	Clements	Harr	Larson	Scheer
Baker	Ebke	Hilgers	Lindstrom	Smith
Bolz	Erdman	Hilkemann	Linehan	Thibodeau
Bostelman	Friesen	Hughes	Lowe	Walz
Brasch	Geist	Kolowski	McDonnell	Watermeier
Brewer	Groene	Kolterman	Murante	Williams
Briese	Halloran	Kuehn	Riepe	

Voting in the negative, 1:

Schumacher

Present and not voting, 14:

Blood	Hansen	McCollister	Quick	Wayne
Chambers	Howard	Morfeld	Stinner	Wishart
Crawford	Krist	Pansing Brooks	Vargas	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION(S) - Return LB1065A to Select File

Senator Murante moved to return LB1065A to Select File for the following specific amendment:

FA164

Strike the enacting clause.

The Murante motion to return prevailed with 36 ayes, 9 nays, and 4 present and not voting.

SELECT FILE

LEGISLATIVE BILL 1065A. The Murante specific amendment, FA164, found in this day's Journal, was adopted with 37 ayes, 5 nays, and 7 present and not voting.

LB1065A stands indefinitely postponed.

WITHDRAW - Amendment to LB1120

Senator Larson withdrew his amendment, AM2127, found on page 843, to LB1120.

BILL ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1120 with 38 ayes, 7 nays, and 4 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1120.

A BILL FOR AN ACT relating to government regulation; to amend sections 53-116.01, 53-116.02, 53-119.01, 53-134.03, 53-134.04, 53-135.01, 53-138.01, 53-148.01, 53-1,115, 59-1401, 59-1403, 59-1404, 59-1405, and 59-1406, Reissue Revised Statutes of Nebraska, and sections 53-101, 53-103, 53-117, 53-123, 53-123.15, 53-124, 53-124.01, 53-129, 53-131, 53-132, 53-133, 53-134, 53-134.01, 53-135, 53-177, 53-177.01, 53-186.01, and 53-1,100, Revised Statutes Cumulative Supplement, 2016; to provide for licensure of bottle clubs and to define terms under the Nebraska Liquor Control Act; to provide and change provisions relating to fees; to change provisions relating to container size under a limited bottling endorsement and relating to rehearings as prescribed; to change provisions relating to music licensing; to name the Music Licensing Agency Act and to define terms under the act; to provide and change duties of the Secretary of State and the Department of Revenue; to require registration of music licensing agencies and filing of performing-rights agreements as prescribed; to provide duties relating to contracts; to provide powers, duties, and limitations relating to collection of royalties; to provide for applicability; to change penalties; to harmonize provisions; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Albrecht	Ebke	Howard	McCollister	Stinner
Baker	Erdman	Hughes	McDonnell	Thibodeau
Blood	Friesen	Kolowski	Morfeld	Vargas
Bolz	Geist	Kolterman	Murante	Walz
Bostelman	Groene	Krist	Pansing Brooks	Watermeier
Brasch	Halloran	Kuehn	Quick	Wayne
Brewer	Hansen	Larson	Riepe	Williams
Briese	Harr	Lindstrom	Scheer	Wishart
Clements	Hilgers	Linehan	Schumacher	
Crawford	Hilkemann	Lowe	Smith	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 1005, 117, 194, 299, 449, 496, 670, 729, 731, 731A, 791, 793, 807, 807A, 845, 873, 953, 957, 989, 998, 1034, 1034A, 1065, and 1120.

MOTION - Notify Governor

Senator Brasch moved that a committee of five be appointed to notify the Governor that the One Hundred Fifth Legislature, Second Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Senators Baker, Harr, Kuehn, Schumacher, and Smith to serve on said committee.

The committee returned and escorted Governor Pete Ricketts to the rostrum where he delivered a message to the members.

The committee escorted Governor Pete Ricketts from the Chamber.

SPEAKER SCHEER PRESIDING

SENATOR WILLIAMS PRESIDING

COMMUNICATION(S)

April 18, 2018

The Honorable John Gale
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Secretary:

Consistent with our rules, I am forwarding LB1121A for deposit in your office. Legislative rules require us to deliver the bill to your office following the receipt of a veto message when no motion to override has been offered.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO;jl

EXECUTIVE BOARD REPORT

Senator Watermeier, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

LR296 State-Licensed Care Facilities Oversight Committee:

Senator Friesen
Senator Halloran
Senator Linehan
Senator Quick
Senator Thibodeau
Senator Walz
Senator Wishart

(Signed) Dan Watermeier, Chairperson
Legislative Council, Executive Board

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 18, 2018, at 3:36 p.m. were the following: LBs 1005e, 117, 194, 299, 449, 496, 670e, 729, 731, 731A, 791e, 793e, 807e, 807Ae, 845, 873, 953, 957, 989, 998, 1034, 1034A, 1065, and 1120.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

SPEAKER SCHEER PRESIDING**MOTION - Disposition of Bills**

Senator Krist moved that all bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line-item vetoed bills on this date, be indefinitely postponed.

The motion prevailed.

MOTION - Committee Records

Senator Harr moved that the chairpersons of all standing committees file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed.

MOTION - Legislative Journal, Session Laws, and Indexes

Senator Kuehn moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell and that he be directed to send to each member of the Legislature a copy of the permanent Legislative Journal and Session Laws.

The motion prevailed.

MOTION - Sixtieth Day Journal

Senator Schumacher moved that the Journal for the Sixtieth Day, as prepared by the Clerk of the Legislature, be approved.

The motion prevailed.

VISITORS

Visitors to the Chamber were 22 fourth-grade students from Lyons Decatur Northeast.

The Doctor of the Day was Dr. David Hoelting from Pender.

MOTION - Adjourn Sine Die

Senator Larson moved that the One Hundred Fifth Legislature, Second Session of the Nebraska Legislature, having finished all business before it, now at 5:16 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

RECEIVED AFTER ADJOURNMENT
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

MESSAGE(S) FROM THE GOVERNOR

April 23, 2018

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 117, 194, 731, 731A, 953, 957, 1065, and 1120 were received in my office on April 18, 2018. These bills were signed on April 19, 2018, and delivered to the Secretary of State on April 23, 2018.

Engrossed Legislative Bills 299, 496, 670e, 729, 791e, 793e, 807e, 807Ae, 845, 989, 1005e, 1034, and 1034A were received in my office on April 18, 2018. These bills were signed on April 23, 2018, and delivered to the Secretary of State on April 23, 2018.

Sincerely,
(Signed) Pete Ricketts
Governor

April 23, 2018

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 449 without my signature and with my objections.

This legislation repeals the authority of counties to prevent the spread of prairie dogs when an individual landowner refuses to implement effective control measures on his property.

My primary concern with LB 449 is that it fails to protect the individual property rights of those landowners who are detrimentally harmed by a neighbor's inaction.

The bill shifts the burden and cost of effective controls from landowners who are content to have prairie dogs on their land to neighbors who object to the presence of this species on their properties. The Black-Tailed Prairie Dog Management Act imposes a duty to ensure prairie dogs do not spread as a nuisance and provides an incentive for landowners to act responsibly to protect their neighbors.

Counties have used the existing statutes judiciously. The primary focus of counties has been to act in cooperation with all landowners to proactively manage prairie dog populations. Counties should continue to have this authority absent evidence that there has been a clear abuse of power in enforcement of the law.

Assertions that other agencies have the same power to address the issue are misleading. While the U.S. Department of Agriculture Animal and Plant Health Inspection Service will assist the State, counties, and landowners to find and use effective controls, that federal agency will not apply such controls on privately owned land without permission from the owner and a payment commitment. The costs of controlling prairie dog populations should not be transferred to property taxpayers but, instead, should remain the responsibility of individual landowners who choose to allow prairie dogs to exist on their land.

This bill has been represented to be a landowner protection bill; however, repeal of these statutes would actually infringe on the property rights of responsible landowners.

Sincerely,
(Signed) Pete Ricketts
Governor

April 23, 2018

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 873 without my signature and with my objections.

The multi-faceted bill contains numerous provisions that I support. For example, the provisions that would provide clarity regarding the taxation

and regulation of online hosting platforms, such as the Airbnb property rental marketplace, are valuable and needed additions to Nebraska law.

The multiple beneficial sections of the omnibus 257-page bill cannot, however, overcome my objections to the inclusion of the dramatic expansion of the use of land banks. A land bank is yet another layer of government that is vested with exceptionally broad powers. Land banks can issue debt without a vote of the people. Members of the land bank are not elected by the public nor are decisions made by the land bank subject to the public hearing process of a city council or village board. The appointed members of land banks are entitled to retain fifty percent of the real property taxes collected on real property conveyed by the land bank. Any property conveyed to a land bank and a land bank's income and operational expenses are exempt from all taxation by the state or its political subdivisions.

Land banks were created in 2013 to assist in the revival of vacant, abandoned properties. Their use was limited to operate solely within Douglas and Sarpy counties. LB 873 would allow any city or village in Nebraska to create and utilize a land bank. There has not been a need demonstrated to expand the vast powers of a land bank to other areas of our state.

For these reasons, I have vetoed LB 873.

Sincerely,
(Signed) Pete Ricketts
Governor

April 23, 2018

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 998 without my signature and with my objections.

While the goal of the bill is noble, the bill in its final form misses the mark. I share concern about the underlying problem LB 998 is trying to address. However, the legislation creates a "one-size fits all" program and a state fund that merely accepts private donations and passes those private dollars on to a political subdivision.

LB 998 is not needed. A private foundation could directly raise and provide funds to the Educational Service Unit Coordinating Council ("ESUCC") or to individual Educational Service Units ("ESU"s). Those entities would then

have more discretion and flexibility to connect with existing state and community resources in their local areas to design locally-tailored programs.

As proposed by the bill, once \$3.6 million in private donations are received, the Educational Service Unit Coordinating Council must hire staff and further distribute funding to individual ESUs to hire social workers. The ESUCC, which is created under existing law as a political subdivision, would receive the money and operate the program that is created in the bill.

LB 998 unnecessarily inserts the State between private funders and the political subdivision receiving those donations. Political subdivisions may already accept donations. Instead of providing additional services, the bill limits how an ESU may use private funding. The bill also creates another separate silo of mental health services that is redundant to the existing efforts of the Department of Health and Human Services Behavioral Health Division at a time when we are trying to better coordinate a system of care for delivery of these services.

Another problem created by LB 998 is that it would set a precedent for the State to assume the obligation of running a private grant program. As proposed by the bill, the State provides no funding for the program and no state agency has a role other than to act as a budgetary pass-through entity. As noted, LB 998 fails to coordinate with existing efforts and funding provided for behavioral and mental health care services.

The bill is also unclear about how parents and guardians would be involved in the consent and care of the student for screening, referral, treatment, and payment for services that would be created by this legislation. Parental rights are paramount and must have a clearly defined role in any state-sanctioned program that impacts a child.

Taxpayers expect efficient and effective state services. Creating duplicative and uncoordinated programs – even with private funds – is irresponsible. We can do better. Currently, several ESUs have staff participating in the implementation of a comprehensive Systems of Care model that is coordinated through the Division of Behavioral Health. Those efforts should be encouraged and not potentially undermined with disparate and disconnected state programs.

I have vetoed LB 998 as it is unnecessary. The bill creates an artificial need for a state cash fund, it fails to require coordination with existing state behavioral and mental health care initiatives, and it does not provide a clear and respectful role for the parents and guardians of a minor child.

Sincerely,
(Signed) Pete Ricketts
Governor

CERTIFICATE

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies provided concerning action on bills after adjournment of the One Hundred Fifth Legislature, Second Session.

Patrick J. O'Donnell
Clerk of the Legislature

April 23, 2018
Lincoln, Nebraska

