

THIRTY-EIGHTH DAY - MARCH 1, 2017

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION**

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 1, 2017

PRAYER

The prayer was offered by Senator Wishart.

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, Friesen, Harr, and Vargas who were excused; and Senators McDonnell and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

NOTICE OF COMMITTEE HEARING(S)

Revenue

Room 1524

Wednesday, March 15, 2017 1:30 p.m.

LB374
LB467
LB543
LB565

Thursday, March 16, 2017 1:30 p.m.

LB592
LB613
LR17CA

Friday, March 17, 2017 1:30 p.m.

LB361
LB438

Wednesday, March 22, 2017 1:30 p.m.

LB362
LB373

(Signed) Jim Smith, Chairperson

COMMITTEE REPORT(S)
Health and Human Services

LEGISLATIVE BILL 88. Placed on General File with amendment.

AM391

1 1. Strike original sections 16 and 18 and insert the following new
2 sections:

3 Sec. 2. Section 38-105, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 38-105 For purposes of the Uniform Credentialing Act, unless the
6 context otherwise requires, the definitions found in sections 38-106 to
7 38-120 and section 3 of this act apply.

8 Sec. 3. Military spouse means the spouse of an officer or enlisted
9 person on active duty in the armed forces of the United States.

10 2. On page 4, line 30, after the period insert "This section shall
11 not apply to a license to practice dentistry, including a temporary
12 license under section 38-1123.".

13 3. On page 5, strike line 24 and insert "until the application for
14 the regular credential is approved or rejected, not to exceed one year.".

15 4. On page 10, line 4, after "who" insert "is".

16 5. On page 23, lines 16 and 31, before "The" insert "(1)".

17 6. On page 23, after line 28; and page 24, after line 16, insert the
18 following new subsection:

19 "(2) This section shall not apply to a temporary credential issued
20 as provided under section 5 of this act.".

21 7. Renumber the remaining sections and correct internal references
22 and the repealer accordingly.

LEGISLATIVE BILL 285. Placed on General File with amendment.

AM423

1 1. Strike original sections 2 and 4 and insert the following new
2 section:

3 Sec. 2. Section 71-531, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 71-531 ~~(1)(a) No person may be tested for the presence of the human~~

6 ~~immunodeficiency virus infection unless he or she has given written~~

7 ~~informed consent for the performance of such test. The written informed~~

8 consent shall provide an explanation of human immunodeficiency virus
9 infection and the meaning of both positive and negative test results.

10 ~~(b) If a person signs a general consent form for the performance of
11 medical tests or procedures which informs the person that a test for the
12 presence of the human immunodeficiency virus infection may be performed
13 and that the person may refuse to have such test performed, the signing
14 of an additional consent for the specific purpose of consenting to a test
15 related to human immunodeficiency virus is not required during the time
16 in which the general consent form is in effect.~~

17 ~~(2) If a person is unable to provide consent, the person's legal
18 representative may provide consent. If the person's legal representative
19 cannot be located or is unavailable, a health care provider may authorize
20 the test when the test results are necessary for diagnostic purposes to
21 provide appropriate medical care.~~

22 ~~(1) (3) A person seeking a human immunodeficiency virus test shall
23 have the right to remain anonymous. If an anonymous test is requested, a
24 A health care provider shall confidentially refer such person to a site
25 which provides anonymous testing.~~

26 ~~(4) This section shall not apply to:~~

27 ~~(a) The performance by a health care provider or a health facility
1 of a human immunodeficiency virus test when the health care provider or
2 health facility procures, processes, distributes, or uses a human body
3 part for a purpose specified under the Revised Uniform Anatomical Gift
4 Act and such test is necessary to assure medical acceptability of such
5 gift for the purposes intended;~~

6 ~~(2) When (b) The performance by a health care provider or a health
7 facility performs of a human immunodeficiency virus test ~~when such test~~
8 ~~is performed with the consent and written authorization of the person~~
9 ~~being tested and such test is for insurance underwriting purposes,~~
10 ~~written information about the human immunodeficiency virus is provided,~~
11 ~~including, but not limited to, the identification and reduction of risks,~~
12 ~~the person is informed of the result of such test, and when the result is~~
13 ~~positive, the person being tested shall be is referred for posttest
14 treatment, counseling;~~~~

15 ~~(3) When (e) The performance of a human immunodeficiency virus test
16 is performed by licensed medical personnel of the Department of
17 Correctional Services on an individual when the subject of the test is
18 committed to such department, the . Posttest counseling shall be required
19 for the subject if the test is positive. A person committed to the
20 department Department of Correctional Services shall be informed by the
21 department (a) (i) if he or she is being tested for the human
22 immunodeficiency virus, (b) (ii) that education shall be provided to him
23 or her about the human immunodeficiency virus, including, but not limited
24 to, the identification and reduction of risks, and (c) (iii) of the test
25 result and the meaning of such result. Posttest counseling shall be
26 required for the subject of the test if such test is positive. ;~~

27 ~~(d) Human immunodeficiency virus home collection kits licensed by
28 the federal Food and Drug Administration; or~~

29 ~~(e) The performance of a human immunodeficiency virus test performed~~

30 pursuant to section 29-2290 or sections 71-507 to 71-513 or 71-514.01 to
 31 71-514.05.
 1 2. Renumber the remaining section and amend the repealer
 2 accordingly.

(Signed) Merv Riepe, Chairperson

Judiciary

LEGISLATIVE BILL 173. Placed on General File.

LEGISLATIVE BILL 289. Placed on General File.

LEGISLATIVE BILL 204. Placed on General File with amendment.

AM306

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

2 sections:

3 Section 1. Section 24-1106, Reissue Revised Statutes of Nebraska,
 4 2008, is amended to read:

5 24-1106 (1) In cases which were appealable to the Supreme Court
 6 before September 6, 1991, the appeal, if taken, shall be to the Court of
 7 Appeals except in capital cases, cases in which life imprisonment has
 8 been imposed, and cases involving the constitutionality of a statute.

9 (2) Any party to a case appealed to the Court of Appeals may file a
 10 petition in the Supreme Court to bypass the review by the Court of
 11 Appeals and for direct review by the Supreme Court. The procedure and
 12 time for filing the petition shall be as provided by rules of the Supreme
 13 Court. In deciding whether to grant the petition, the Supreme Court may
 14 consider one or more of the following factors:

15 (a) Whether the case involves a question of first impression or
 16 presents a novel legal question;

17 (b) Whether the case involves a question of state or federal
 18 constitutional interpretation;

19 (c) Whether the case raises a question of law regarding the validity
 20 of a statute;

21 (d) Whether the case involves issues upon which there is an
 22 inconsistency in the decisions of the Court of Appeals or of the Supreme
 23 Court; ~~and~~

24 (e) Whether the case is one of significant public interest; ~~and~~ -

25 (f) Whether the case involves a question of qualified immunity in
 26 any civil action under 42 U.S.C. 1983, as the section existed on the
 27 effective date of this act.

1 When a petition for direct review is granted, the case shall be
 2 docketed for hearing before the Supreme Court.

3 (3) The Supreme Court shall by rule provide for the removal of a
 4 case from the Court of Appeals to the Supreme Court for decision by the
 5 Supreme Court at any time before a final decision has been made on the
 6 case by the Court of Appeals. The removal may be on the recommendation of
 7 the Court of Appeals or on motion of the Supreme Court. Cases may be
 8 removed from the Court of Appeals for decision by the Supreme Court for

9 any one or more of the reasons set forth in subsection (2) of this
 10 section or in order to regulate the caseload existing in either the Court
 11 of Appeals or the Supreme Court. The Chief Judge of the Court of Appeals
 12 and the Chief Justice of the Supreme Court shall regularly inform each
 13 other of the number and nature of cases docketed in the respective court.
 14 Sec. 2. Any employee of the state, as defined in section 81-8,210,
 15 sued in an individual capacity for an act or omission occurring in
 16 connection with duties performed on the state's behalf, regardless of
 17 whether the employee is also sued in an official capacity, must be served
 18 by serving the employee under section 25-508.01 and also by serving the
 19 state under section 25-510.02.
 20 Sec. 3. Section 25-1332, Reissue Revised Statutes of Nebraska, is
 21 amended to read:
 22 25-1332 (1) The motion shall be served at least ten days before the
 23 time fixed for the hearing. The adverse party prior to the day of hearing
 24 may serve opposing affidavits. The judgment sought shall be rendered
 25 forthwith if the pleadings and the evidence admitted at the hearing show
 26 that there is no genuine ~~dispute~~ ~~issue~~ as to any material fact and that
 27 the moving party is entitled to a judgment as a matter of law. The
 28 evidence that may be received on a motion for summary judgment includes
 29 depositions, answers to interrogatories, admissions, stipulations, and
 30 affidavits. A summary judgment, interlocutory in character, may be
 31 rendered on the issue of liability alone although there is a genuine
 1 ~~dispute~~ ~~issue~~ as to the amount of damages.
 2 (2) A party asserting that a fact cannot be or is genuinely disputed
 3 must support the assertion by:
 4 (a) Citing to particular parts of materials in the record, including
 5 depositions, answers to interrogatories, admissions, stipulations,
 6 affidavits, or other materials; or
 7 (b) Showing that the materials cited do not establish the absence or
 8 presence of a genuine dispute, or that an adverse party cannot produce
 9 admissible evidence to support the fact.
 10 (3) If a party fails to properly support an assertion of fact or
 11 fails to properly address another party's assertion of fact as required
 12 by subsection (2) of this section, the court may:
 13 (a) Give an opportunity to properly support or address the fact;
 14 (b) Consider the fact undisputed for purposes of the motion;
 15 (c) Grant summary judgment if the motion and supporting materials,
 16 including the facts considered undisputed, show that the movant is
 17 entitled to summary judgment; or
 18 (d) Issue any other appropriate order.
 19 Sec. 4. Original section 24-1106, Reissue Revised Statutes of
 20 Nebraska, 2008, and section 25-1332, Reissue Revised Statutes of
 21 Nebraska, are repealed.

LEGISLATIVE BILL 243. Placed on General File with amendment.
 AM285

1 1. Strike section 1 and insert the following new section:
 2 Section 1. (1) For purposes of this section, secure state

3 institution includes:
4 (a) Any facility operated by the Department of Correctional Services
5 which is used for housing inmates;
6 (b) The Lincoln Regional Center, Norfolk Regional Center, and
7 Hastings Regional Center; and
8 (c) The Youth Rehabilitation and Treatment Center-Kearney and the
9 Youth Rehabilitation and Treatment Center-Geneva.
10 (2) If a person employed at a secure state institution is assaulted
11 by another person housed or held in such institution, the administrator
12 in charge of the secure state institution shall:
13 (a) Inform the victim of the assault of all disciplinary actions
14 that are being taken against the person alleged to have committed the
15 assault. When all such disciplinary actions have been completed, the
16 administrator in charge of the secure state institution shall inform the
17 victim of the results of such disciplinary actions; and
18 (b) Inform the appropriate county attorney of such assault. The
19 county attorney shall notify the victim of the assault of the charges
20 being filed against the person alleged to have committed the assault or
21 the county attorney's rationale for not prosecuting the assault. The
22 notification shall also be sent to a representative of the victim's labor
23 union, if any. A victim may request that his or her labor union not be
24 notified.
25 (3) The Department of Health and Human Services shall submit
26 quarterly reports to the Governor, the Clerk of the Legislature, the
27 chairperson of the Judiciary Committee of the Legislature, and the
1 chairperson of the Health and Human Services Committee of the Legislature
2 on the assaults that occur at secure state institutions under the
3 department's authority. The reports submitted to the Legislature shall be
4 submitted electronically. Each report shall contain the following
5 information from the most recently completed calendar quarter:
6 (a) The total number of assaults that occurred at each such secure
7 state institution;
8 (b) The number of assaults that involved a patient or resident
9 assaulting another patient or resident;
10 (c) The number of assaults that involved a patient or resident
11 assaulting an employee of the secure state institution;
12 (d) The number of assaults that occurred by category of severity,
13 including assaults that resulted in a serious injury, assaults that
14 resulted in a nonserious injury, and assaults that did not result in an
15 injury; and
16 (e) The reason that the department was housing or holding each
17 person alleged to have committed an assault.
18 (4) Nothing in this section shall be construed to prohibit a victim
19 from reporting any assault to the appropriate prosecuting authority or to
20 diminish any rights granted by section 81-1848.

LEGISLATIVE BILL 258. Placed on General File with amendment.
AM339

1 1. On page 2, line 19, after "or" insert "renew".

LEGISLATIVE BILL 296. Placed on General File with amendment.

AM276

1 1. On page 3, strike lines 3 through 11 and insert the following new
2 subsections:

3 "(4) A physician or other health care professional may prescribe
4 medication pursuant to a non-patient-specific standing order for response
5 to life-threatening asthma or anaphylaxis to a school or early childhood
6 education program as described in subsection (1) of this section. The
7 physician or other health care professional shall be immune from
8 liability for prescribing medication pursuant to a non-patient-specific
9 standing order unless the physician does not exercise reasonable care
10 under the circumstances in signing the order. In no circumstance shall a
11 physician or other health care professional be liable for the act or
12 omission of another who provides or in any way administers the medication
13 prescribed by the physician or other health care professional.
14 (5) A pharmacist may dispense medication pursuant to a non-patient-
15 specific standing order for response to life-threatening asthma or
16 anaphylaxis to a school or early childhood education program as described
17 in subsection (1) of this section. The pharmacist shall be immune from
18 liability for dispensing medication pursuant to a non-patient-specific
19 standing order unless the pharmacist does not exercise reasonable care
20 under the circumstances in dispensing the medication. In no circumstance
21 shall a pharmacist be liable for the act or omission of another who
22 provides or in any way administers the medication dispensed by the
23 pharmacist."

LEGISLATIVE BILL 492. Placed on General File with amendment.

AM310

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

3 Section 1. Sections 1 to 9 of this act shall be known and may be
4 cited as the Self-Service Storage Facilities Act.
5 Sec. 2. For purposes of the Self-Service Storage Facilities Act:
6 (1) Commercially reasonable sale means a sale that (a) is conducted
7 at the self-service storage facility or on a publicly accessible web site
8 that conducts lien sales and (b) is attended by at least three persons
9 who appear personally, online, by telephone, or by any other method;
10 (2) Default means the failure to perform on time any obligation or
11 duty set forth in a rental agreement;
12 (3) Electronic mail means an electronic message or an executable
13 program or computer file that contains an image of a message that is
14 transmitted between two or more computers or electronic terminals and
15 includes electronic messages that are transmitted within or between
16 computer networks;
17 (4) Emergency means any sudden, unexpected occurrence or
18 circumstance at or near a self-service storage facility that requires
19 immediate action to avoid injury to persons or property at or near the
20 self-service storage facility, including, but not limited to, a fire;
21 (5) Last-known address means the postal address or electronic mail

22 address provided by an occupant in a rental agreement or the postal
23 address or electronic mail address provided by the occupant in a
24 subsequent written notice of a change of address;
25 (6) Leased space means the individual storage space at a self-
26 service storage facility which is rented to an occupant pursuant to a
27 rental agreement;

1 (7) Occupant means a person entitled to the use of leased space at a
2 self-service storage facility under a rental agreement or his or her
3 successors or assigns;

4 (8) Operator means the owner, operator, lessor, or sublessor of a
5 self-service storage facility or an agent or any other person authorized
6 to manage the facility. Operator does not include a warehouseman if the
7 warehouseman issues a warehouse receipt, bill of lading, or other
8 document of title for the personal property stored;

9 (9) Personal property means movable property not affixed to land.
10 Personal property includes, but is not limited to, goods, wares,
11 merchandise, motor vehicles, watercraft, household items, and
12 furnishings;

13 (10) Property which has no commercial value means property offered
14 for sale in a commercially reasonable sale that receives no bid or offer;

15 (11) Rental agreement means any written agreement or lease that
16 establishes or modifies the terms, conditions, or rules concerning the
17 use and occupancy of a self-service storage facility;

18 (12) Self-service storage facility means any real property used for
19 renting or leasing individual storage spaces in which the occupants
20 customarily store and remove their own personal property on a self-
21 service basis; and

22 (13) Verified mail means any method of mailing offered by the United
23 States Postal Service that provides evidence of the mailing.

24 Sec. 3. (1) An operator shall not knowingly permit a leased space
25 at a self-service storage facility to be used for residential purposes.

26 (2) An occupant shall not use a leased space for residential
27 purposes.

28 Sec. 4. An occupant, upon reasonable request from the operator,
29 shall allow the operator to enter a leased space for the purpose of
30 inspection or repair. If an emergency occurs, an operator may enter a
31 leased space for inspection or repair without notice to or consent from
1 the occupant.

2 Sec. 5. (1) The operator of a self-service storage facility and the
3 operator's heirs, executors, administrators, successors, and assigns
4 shall have a lien upon all of an occupant's personal property located at
5 the self-service storage facility for delinquent rent, late fees, labor,
6 or other charges incurred pursuant to a rental agreement and for expenses
7 incurred for preservation, sale, or disposition of the personal property.
8 The lien established by this subsection shall have priority over all
9 other liens except for tax liens and liens or security interests of any
10 lienholder or security interest holder of record on such personal
11 property that are perfected or recorded prior to, on, or after the date
12 on which the personal property is placed in a leased space.

13 (2) The lien described in subsection (1) of this section attaches on
14 the date on which personal property is placed in a leased space.
15 (3) The rental agreement shall contain a statement, in bold type,
16 advising the occupant:
17 (a) Of the existence of the lien; and
18 (b) That personal property stored in the leased space may be sold to
19 satisfy the lien if the occupant is in default.
20 (4) If the rental agreement specifies a limit on the value of
21 personal property that the occupant may store in the leased space, such
22 limit shall be deemed to be the maximum value of the personal property in
23 the occupant's leased space.
24 Sec. 6. If any part of the rent or other charges due from the
25 occupant are in default, the operator shall have the right to deny the
26 occupant access to the leased space at the self-service storage facility.
27 Sec. 7. (1) If an occupant is in default for a period of more than
28 forty-five days, the operator may enforce the lien granted in section 5
29 of this act by selling the occupant's stored personal property for cash.
30 Sale of the occupant's personal property may be by public or private
31 proceedings. Such personal property may be sold as a unit or in parcels,
1 by way of one or more contracts, at any time or place, and on any terms
2 as long as the sale is a commercially reasonable sale. The operator may
3 otherwise dispose of any property which has no commercial value.
4 (2) Before conducting a sale under this section, the operator shall:
5 (a) At least forty-five days before the sale, send notice of default
6 to the occupant by verified mail or electronic mail pursuant to
7 subdivision (8)(a) of this section. The notice of default shall include:
8 (i) A statement that the contents of the occupant's leased space are
9 subject to the operator's lien;
10 (ii) A statement of the operator's claim, indicating the charges due
11 on the date of the notice, the amount of any additional charges which
12 shall become due before the date of sale, and the date such additional
13 charges shall become due;
14 (iii) A demand for payment of the charges due within a specified
15 time, which shall not be less than ten days after the date of the notice;
16 (iv) A statement that unless the claim is paid within the time
17 stated, the contents of the occupant's leased space will be sold after a
18 specified time; and
19 (v) The name, street address, and telephone number of the operator
20 or a designated agent whom the occupant may contact to respond to the
21 notice; and
22 (b) At least seven days before the sale, advertise the time, place,
23 and terms of the sale in any commercially reasonable manner. The manner
24 of advertisement is deemed commercially reasonable if at least three
25 independent bidders attend the sale in person or online at the time and
26 place advertised. A copy of the advertisement of sale shall be provided
27 at least seven days before the sale to the holder of any lien or security
28 interest of record on the personal property being sold.
29 (3) The operator may buy the occupant's personal property at any
30 public sale held pursuant to this section.

31 (4) If the personal property subject to the operator's lien is a
1 vehicle, watercraft, or trailer and rent and other charges remain unpaid
2 for sixty days, the operator may have the vehicle, watercraft, or trailer
3 towed from the self-service storage facility. The operator shall not be
4 liable for any damages to the vehicle, watercraft, or trailer once the
5 tower takes possession of the property. Removal of any vehicle,
6 watercraft, or trailer from the self-service storage facility shall not
7 release the operator's lien.

8 (5) At any time before a sale is held under this section or before a
9 vehicle, watercraft, or trailer is towed under this section, the occupant
10 may pay the amount necessary to satisfy the lien and redeem the
11 occupant's personal property.

12 (6) If a sale is held under this section, the operator shall:
13 (a) Apply the proceeds of the sale in the following order:
14 (i) To satisfy the actual expenses incurred in conducting the sale,
15 including the costs for notice and advertisement of the sale, in an
16 amount not to exceed five hundred dollars;
17 (ii) To satisfy the obligations secured by the lien or security
18 interest of any lienholder or security interest holder of record; and
19 (iii) To satisfy the operator's lien; and
20 (b) Hold the balance of the proceeds remaining after the
21 disbursements described in subdivision (6)(a) of this section, if any,
22 for delivery on demand to the occupant for a period of one year after the
23 date of such sale. The operator shall have no liability to any party for
24 excess proceeds paid to the occupant. After the one-year period, any
25 remaining proceeds shall be considered abandoned property to be reported
26 and paid to the State Treasurer in accordance with the Uniform
27 Disposition of Unclaimed Property Act.

28 (7) A purchaser in good faith of any personal property sold pursuant
29 to this section to satisfy the lien granted in section 5 of this act
30 takes the property free and clear of any rights of persons against whom
31 the lien was valid.

1 (8)(a) Notices to the occupant under subdivision (2)(a) of this
2 section shall be sent to the occupant's last-known address by verified
3 mail or electronic mail. Notices sent by verified mail shall be deemed
4 delivered when deposited with the United States Postal Service if they
5 are properly addressed with postage prepaid. Notices sent by electronic
6 mail shall be deemed delivered when an electronic message is sent to the
7 last-known address provided by the occupant. If the operator sends notice
8 by electronic mail and receives an automated message stating that the
9 electronic mail cannot be delivered, the operator shall send notice by
10 verified mail to the occupant's last-known address with postage prepaid.
11 (b) The copy of the advertisement of sale provided to the holder of
12 any lien or security interest of record under subdivision (2)(b) of this
13 section shall be sent to the last-known address of the lienholder or
14 security interest holder by United States mail. The copy of the
15 advertisement shall be deemed delivered when deposited with the United
16 States Postal Service if it is properly addressed with postage prepaid.
17 (9) If the operator complies with the requirements of this section,

18 the operator's liability:
19 (a) To the occupant shall be limited to the net proceeds received
20 from the sale of the occupant's personal property less any proceeds paid
21 to the holders of any lien or security interest of record on the personal
22 property being sold; and
23 (b) To the holders of any lien or security interest of record on the
24 personal property being sold shall be limited to the net proceeds
25 received from the sale of any personal property covered by the holder's
26 lien or security interest.
27 Sec. 8. Unless the rental agreement specifically provides otherwise
28 and until a lien sale under section 7 of this act, the exclusive care,
29 custody, and control of all personal property stored in a leased space
30 remains vested in the occupant.
31 Sec. 9. The Self-Service Storage Facilities Act does not impair the
1 power of the parties to a rental agreement to create rights, duties, or
2 obligations that do not arise from the act. The rights provided to an
3 operator by the act are in addition to all other rights provided by law
4 to a creditor against a debtor.

(Signed) Laura Ebke, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 310. Placed on General File.
LEGISLATIVE BILL 472. Placed on General File.
LEGISLATIVE BILL 483. Placed on General File.

(Signed) Curt Friesen, Chairperson

MESSAGE(S) FROM THE GOVERNOR

February 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 Public Employees Retirement Board:

James D. Schulz, 6601 South 66 Street, Lincoln, NE 68516

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 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 State Racing Commission:

Thomas Patterson, 1225 North Street, Cambridge, NE 69022

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 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 reappointed to the Board of Trustees of the Nebraska State Colleges:

Carter Peterson, 502 Douglas Street, Wayne, NE 68787
Gary Bieganski, 706 Bordeaux Road, Chadron, NE 69337-9339

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

RECESS

At 9:07 a.m., on a motion by Senator Wishart, 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, Chambers, Friesen, Groene, Harr, Larson, and Vargas who were excused.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 51. Introduced by Kolterman, 24.

WHEREAS, Dalton Berry, Garrett Kuss, Jacob Potratz, Zachary Potratz, Ethan Schutte, Avery Stillahn, Elias Stillahn, and Erich Stillahn, members of Troop 256 of Seward, 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. 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 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, Dalton, Garrett, Jacob, Zachary, Ethan, Avery, Elias, and Erich, 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, FIRST SESSION:

1. That the Legislature congratulates Dalton Berry, Garrett Kuss, Jacob Potratz, Zachary Potratz, Ethan Schutte, Avery Stillahn, Elias Stillahn, and Erich Stillahn on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Dalton Berry, Garrett Kuss, Jacob Potratz, Zachary Potratz, Ethan Schutte, Avery Stillahn, Elias Stillahn, and Erich Stillahn.

Laid over.

LEGISLATIVE RESOLUTION 52. Introduced by Bolz, 29.

WHEREAS, Vicki Bauer began her career in adult education in 1977 teaching in the Southeast Community College GED Program. In 1987, Ms. Bauer became responsible for adult education professional development activities at the Nebraska Department of Education, and in 1997, she was promoted to the state's Director of Adult Education; and

WHEREAS, Ms. Bauer has been a relentless advocate in encouraging Nebraskans who have not graduated to earn a diploma of high school equivalency, otherwise known as a GED, and has expanded GED testing opportunities across the state. Under her leadership, the Nebraska Department of Education launched successful marketing efforts to increase the number of Nebraskans seeking their GED, including billboards, a toll-free helpline, and newspaper inserts; and

WHEREAS, Ms. Bauer developed partnerships with community colleges and career centers to create new opportunities for adults to earn a GED; and

WHEREAS, in recognition of her years of service as an instructor, director, and advocate for adult education in Nebraska, Ms. Bauer was honored in 2013 with the Distinguished Service Award, a national award presented by the GED Testing Service; and

WHEREAS, Ms. Bauer will soon be retiring from her distinguished career with the Nebraska Department of Education.

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

1. That the Legislature thanks Vicki Bauer for her years of service to the state and her efforts to expand adult education throughout her career.
2. That a copy of this resolution be sent to Vicki Bauer and the Nebraska Department of Education.

Laid over.

LEGISLATIVE RESOLUTION 53. Introduced by Bolz, 29.

WHEREAS, the primary mission of social workers is to enhance well-being and ensure that the basic needs of all people are met, especially the most vulnerable; and

WHEREAS, social work is one of the fastest growing careers in the United States, with more than 650,000 members of the profession; and

WHEREAS, in all areas of our society, social workers strive to improve happiness, health, and prosperity, including government, education, social service agencies, communities, the military, and mental health and health care facilities; and

WHEREAS, "Social Workers Stand Up!" is the theme of this year's National Social Work Month. Social workers daily embody this theme by helping individuals, communities, and society at large to tackle and solve the issues confronting them; and

WHEREAS, social workers have helped this nation live up to its ideals by successfully pushing for equal rights for all, including women, African

Americans, Latinos, refugees, people who identify as LGBTQ, and various ethnic, cultural, and religious groups; and

WHEREAS, social workers have helped people in this nation overcome racial strife and economic and health care uncertainty by successfully advocating for initiatives such as Medicaid, unemployment insurance, workplace safety, Social Security benefits, the Civil Rights Act, the Voting Rights Act, and the Affordable Care Act; and

WHEREAS, social workers are the largest group of mental health care providers in the United States and work daily to help people overcome depression, anxiety, and substance abuse and other disorders so they can lead more fulfilling lives; and

WHEREAS, the United States Department of Veterans Affairs employs more than 12,000 professional social workers who bolster our nation's security by providing support to active duty military personnel, veterans, and their families; and

WHEREAS, thousands of child, family, and school social workers across the country work to protect children and improve the social and psychological functioning of children and their families; and

WHEREAS, social workers help children find loving homes and create new families through adoption; and

WHEREAS, social workers in schools work with families and schools to foster the happiness and success of future generations by ensuring students reach their full academic and personal potential; and

WHEREAS, social workers help older adults and their families improve their quality of life and ability to live independently as long as possible and obtain access to quality mental health services and health care; and

WHEREAS, social workers have helped the United States and other nations overcome earthquakes, tornados, floods, wars, and other disasters by helping survivors access essential services such as food, shelter, health care, and mental health services to address stress and anxiety.

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

1. That the Legislature recognizes March 2017 as Social Work Month in Nebraska and encourages all citizens to join the National Association of Social Workers in celebrating and supporting the social work profession.

2. That a copy of this resolution be sent to the National Association of Social Workers, Nebraska Chapter.

Laid over.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 203. Placed on Select File with amendment.

ER12

1 1. On page 1, strike lines 2 through 5 and insert "sections 48-626, 2 48-627, and 48-628, Reissue Revised Statutes of Nebraska, and section 3 48-632, Revised Statutes Cumulative Supplement, 2016; to change

4 provisions relating to maximum annual unemployment benefit amounts and
 5 disqualification from unemployment benefits; to authorize electronic
 6 notice as prescribed; to harmonize provisions; and to repeal the original
 7 sections."

LEGISLATIVE BILL 16. Placed on Select File with amendment.

ER10

1 1. On page 6, line 22, strike "for".

LEGISLATIVE BILL 99. Placed on Select File with amendment.

ER13

1 1. On page 1, line 5, after "of" insert "unincorporated entities,".

(Signed) Anna Wishart, Chairperson

ANNOUNCEMENT(S)

Senator Kuehn designates LB661 as his priority bill.

CEREMONIES

Statehood Day Ceremonies were held in the George W. Norris Legislative Chamber for Nebraska's 150th Statehood Day on March 1, 2017, which included the following:

- 1:30 Lieutenant Governor Foley presiding as Master of Ceremonies
- 1:45 Designated committees escort the following into the Chamber:
 - Secretary of State John Gale
 - Nebraska Supreme Court
 - Governor and First Lady
- 2:00 Presentation of Colors - Nebraska National Guard
- 2:02 National Anthem - Hannah Huston
- 2:05 Opening Remarks - Governor Pete Ricketts
- 2:15 Reading of Original Proclamation - Secretary of State John Gale
- 2:20 Sing Across Nebraska, "Happy Birthday" by Everett Elementary
 - Chorus - 3rd, 4th, and 5th grade students, Lincoln
- 2:25 Original Poem - Nebraska State Poet Twyla Hansen
- 2:30 Remarks - Chief Justice Mike Heavican
- 2:35 Music - Waverly Singers Octet, Waverly High School
- 2:40 Remarks - Speaker Jim Scheer
- 2:45 Music - Hannah Huston
- 2:50 Reading of 2017 Proclamation and
 - Closing Remarks - Governor Ricketts
- 3:00 Designated committees escort the guests from the Chamber

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Geist name added to LB271.

Senator Brewer name added to LB340.

Senator Watermeier name added to LB514.

Senator Baker name added to LB589.

Senator McDonnell name added to LB638.

VISITOR(S)

The Doctor of the Day was Dr. Douglas States from North Platte.

ADJOURNMENT

At 2:53 p.m., on a motion by Senator Stinner, the Legislature adjourned until 9:00 a.m., Thursday, March 2, 2017.

Patrick J. O'Donnell
Clerk of the Legislature

