

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
---------	-----------	---------	------------

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
--------	---------	---------

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

