

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

