

FORTIETH DAY - MARCH 9, 2018
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 9, 2018

PRAYER

The prayer was offered by Pastor Eddie Goff, New Hope Baptist Church, Hastings.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Vargas who was excused; and Senators Hansen, Kolowski, Krist, Morfeld, Pansing Brooks, Scheer, Watermeier, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

COMMITTEE REPORT(S)
Appropriations

LEGISLATIVE BILL 946. Placed on General File with amendment.
AM1701

1 1. Strike the original sections and insert the following:
2 Section 1. Section 84-612, Revised Statutes Supplement, 2017, is
3 amended to read:
4 84-612 (1) There is hereby created within the state treasury a fund
5 known as the Cash Reserve Fund which shall be under the direction of the
6 State Treasurer. The fund shall only be used pursuant to this section.
7 (2) The State Treasurer shall transfer funds from the Cash Reserve
8 Fund to the General Fund upon certification by the Director of
9 Administrative Services that the current cash balance in the General Fund
10 is inadequate to meet current obligations. Such certification shall
11 include the dollar amount to be transferred. Any transfers made pursuant
12 to this subsection shall be reversed upon notification by the Director of
13 Administrative Services that sufficient funds are available.

14 (3) In addition to receiving transfers from other funds, the Cash
15 Reserve Fund shall receive federal funds received by the State of
16 Nebraska for undesignated general government purposes, federal revenue
17 sharing, or general fiscal relief of the state.

18 (4) The State Treasurer, at the direction of the budget
19 administrator of the budget division of the Department of Administrative
20 Services, shall transfer not to exceed ~~forty million seven hundred forty-~~
21 ~~three million~~ fifteen thousand four hundred fifty-nine dollars in total
22 from the Cash Reserve Fund to the Nebraska Capital Construction Fund
23 between July 1, 2013, and June 30, 2018.

24 (5) The State Treasurer shall transfer the following amounts from
25 the Cash Reserve Fund to the Nebraska Capital Construction Fund on such
26 dates as directed by the budget administrator of the budget division of
27 the Department of Administrative Services:

1 (a) Seven million eight hundred four thousand two hundred ninety-two
2 dollars on or after June 15, 2016, but before June 30, 2016;

3 (b) Five million fifty-eight thousand four hundred five dollars on
4 or after July 1, 2018, but before June 30, 2019, on such dates and in
5 such amounts as directed by the budget administrator of the budget
6 division of the Department of Administrative Services; and
7 (c) Fifteen million three hundred seventy-eight thousand three
8 hundred nine dollars on or after January 1, 2019, but before June 30,
9 2019, on such dates and in such amounts as directed by the budget
10 administrator of the budget division of the Department of Administrative
11 Services.

12 ~~(b) Ten million five thousand one hundred twenty-nine dollars on or~~
13 ~~after June 15, 2019, but before June 30, 2019; and~~

14 ~~(c) Ten million four hundred thirty-one thousand five hundred~~
15 ~~eighty-five dollars on or after June 15, 2021, but before June 30, 2021.~~

16 (6) The State Treasurer shall transfer seventy-five million two
17 hundred fifteen thousand three hundred thirteen dollars from the Cash
18 Reserve Fund to the Nebraska Capital Construction Fund on or before July
19 31, 2017, on such date as directed by the budget administrator of the
20 budget division of the Department of Administrative Services.

21 (7) The State Treasurer shall transfer thirty-one million dollars
22 from the Cash Reserve Fund to the General Fund after July 1, 2017, but
23 before July 15, 2017, on such date as directed by the budget
24 administrator of the budget division of the Department of Administrative
25 Services.

26 (8) The State Treasurer shall transfer thirty-one million dollars
27 from the Cash Reserve Fund to the General Fund after October 1, 2017, but
28 before October 15, 2017, on such date as directed by the budget
29 administrator of the budget division of the Department of Administrative
30 Services.

31 (9) The State Treasurer shall transfer thirty-one million dollars
1 from the Cash Reserve Fund to the General Fund after January 1, 2018, but
2 before January 15, 2018, on such date as directed by the budget
3 administrator of the budget division of the Department of Administrative
4 Services.

5 (10) The State Treasurer shall transfer thirty-two million dollars
 6 from the Cash Reserve Fund to the General Fund after April 1, 2018, but
 7 before April 15, 2018, on such date as directed by the budget
 8 administrator of the budget division of the Department of Administrative
 9 Services.

10 (11) The State Treasurer shall transfer one hundred million dollars
 11 from the Cash Reserve Fund to the General Fund on or before June 30,
 12 2018, on such dates and in such amounts as directed by the budget
 13 administrator of the budget division of the Department of Administrative
 14 Services.

15 ~~(12)~~ ~~(44)~~ The State Treasurer shall transfer forty-eight million
 16 dollars from the Cash Reserve Fund to the General Fund after March 1,
 17 2019, but before March 15, 2019, on such date as directed by the budget
 18 administrator of the budget division of the Department of Administrative
 19 Services.

20 Sec. 2. Original section 84-612, Revised Statutes Supplement, 2017,
 21 is repealed.

22 Sec. 3. Since an emergency exists, this act takes effect when
 23 passed and approved according to law.

LEGISLATIVE BILL 945. Placed on General File with amendment.
 AM1700 is available in the Bill Room.

LEGISLATIVE BILL 944. Placed on General File with amendment.
 AM1699 is available in the Bill Room.

(Signed) John Stinner, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 724. Placed on Select File with amendment.
 ER120

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

3 Section 1. Section 9-650, Reissue Revised Statutes of Nebraska, is
 4 amended to read:

5 9-650 (1) The gross proceeds of any lottery, less the amount
 6 awarded in prizes and any salary, fee, or commission paid to a licensed
 7 lottery operator plus any interest on such funds, shall be segregated
 8 from any other revenue and placed in a separate account of the lottery
 9 operator and the county, city, or village. If a lottery operator is
 10 conducting a lottery on behalf of a county, city, or village, such
 11 proceeds, including any interest, shall be transferred from the lottery
 12 operator's separate account to a separate account of the county, city, or
 13 village. Any interest received by a county, city, or village from the
 14 proceeds of the lottery shall be used solely for community betterment
 15 purposes.

16 (2) During the hours that keno is conducted at a sales outlet

17 location, cash constituting the starting bank of the lottery operator
 18 conducting the keno game and cash receipts from the sale of keno tickets
 19 shall be segregated from all other revenue of the sales outlet location.
 20 Subject to the adoption and promulgation of rules and regulations by the
 21 department setting forth recordkeeping and reporting criteria for lottery
 22 operators, counties, cities, and villages that request authorization from
 23 the department for the use of electronic transfers from satellite
 24 locations, cash receipts from the sale of keno tickets shall remain
 25 segregated from all other revenue of the sales outlet location until
 26 deposited in the bank account of the sales outlet location, lottery
 27 operator, county, city, or village. Such bank account shall be designated
 1 by the lottery operator, county, city, or village.
 2 (3) The Tax Commissioner may authorize the electronic transfer of
 3 funds from the nonsegregated general business account of a sales outlet
 4 location to the bank account of a lottery operator, county, city, or
 5 village as long as such funds are transferred no later than five business
 6 days following the day the funds were collected. To facilitate the
 7 electronic transfer of such funds to a lottery operator, county, city, or
 8 village that has met the requirements of the rules and regulations
 9 adopted and promulgated pursuant to subsection (2) of this section, a
 10 sales outlet location may first deposit such funds into a non-segregated
 11 general business account of the sales outlet location.
 12 (4) The gross proceeds of any lottery, less the amount awarded in
 13 prizes, which are collected by a sales outlet location shall be deposited
 14 into the account of the sales outlet location, lottery operator, county,
 15 city, or village no later than five business days following the day such
 16 gross proceeds were collected.
 17 (5) Separate records shall be maintained by such licensed county,
 18 city, or village. Records required by the Nebraska County and City
 19 Lottery Act shall be preserved for at least three years unless otherwise
 20 provided by rules and regulations adopted and promulgated by the
 21 department. Any law enforcement agency or other agency of government
 22 shall have the authority to investigate the records relating to lotteries
 23 and gross proceeds from such lottery at any time. Any county, city, or
 24 village shall, upon proper written request, deliver all such records to
 25 the department or other law enforcement agency for investigation.
 26 Sec. 2. Original section 9-650, Reissue Revised Statutes of
 27 Nebraska, is repealed.
 28 2. On page 1, line 5, after the semicolon insert "to provide powers
 29 and duties for the Department of Revenue and the Tax Commissioner;".

LEGISLATIVE BILL 714. Placed on Select File with amendment.
ER122

1 1. In the Standing Committee amendments, AM1754, on page 4, line 10,
2 after the first "or" insert "a".

LEGISLATIVE BILL 702. Placed on Select File with amendment.
ER123

1 1. On page 1, strike lines 2 through 5 and insert "43-512.12,

2 43-512.15, and 44-3,144, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to children's health care coverage; to change
4 provisions relating to Title IV-D child support order modification
5 procedures; to change child support procedures as related to incarcerated
6 individuals; to redefine terms; to harmonize".

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Brewer filed the following amendment to LB1054:
AM2043

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

3 Section 1. (1) For purposes of this section:

4 (a) Wind energy generation project means any plant, works, system,
5 facility, and real and personal property of any nature whatsoever,
6 together with all parts thereof and appurtenances thereto, used or useful
7 in the generation of electric power and energy using wind turbines,
8 including the production, transmission, conservation, transformation,
9 distribution, purchase, sale, exchange, or interchange of such electric
10 power and energy, or any interest therein or right to capacity thereof,
11 any energy conservation system or device for reducing the energy demands
12 or any interest therein, and the acquisition of energy sources or fuel of
13 any kind, for any such purposes; and

14 (b) Wind turbine means a power generating device driven by the
15 kinetic energy of the wind consisting of propeller-type rotors fixed
16 around a central hub and facing the wind with a maximum output of over
17 sixteen hundred watts.

18 (2) No wind energy generation project shall be constructed in a
19 county after August 1, 2018, until the county has zoning regulations or a
20 zoning resolution as described in section 23-114 which addresses:

21 (a) Protection of property value for nonparticipating property
22 owners adjacent to or impacted by the wind energy generation project;

23 (b) Fixed-distance setbacks measured from buildings used for
24 residential purposes and setbacks measured from property lines. The
25 setbacks shall not be variable distances based on the height of a
26 turbine. The determination of setbacks based on surface danger area due
27 to issues such as collapse and ice-throw shall ensure that the surface
1 danger area does not overlap a nonparticipating property owner's
2 property;

3 (c) Noise standards restricting the low-level noise generated by the
4 operation of a wind turbine so that it does not exceed a specified A-
5 weighted, equivalent sound level or specified A-weighted decibels at the
6 property line of the wind energy generation project. The measure of noise
7 shall meet the following requirements:

8 (i) Any instrument used to measure noise shall meet sound level
9 meter performance specifications of the American National Standards
10 Institute or the International Electrotechnical Commission for wind class

11 I;
12 (ii) The procedures used to measure noise shall meet the
13 requirements of the American National Standards Institute, the
14 International Electrotechnical Commission, or the International
15 Organization for Standardization for the measurement of sound or its
16 characteristics; and
17 (iii) The procedures shall not include procedures based on the
18 International Electrotechnical Commission Standard IEC 61400-11 (2002)
19 regarding noise measurement techniques;
20 (d) Evaluation of adverse environmental impacts and mitigation plans
21 for the protection of the environment, including domesticated animals,
22 wildlife, wildlife habitat, water, vegetation, scenic areas, and historic
23 areas. The evaluation shall include consultation with local, state, and
24 federal agencies with jurisdiction over affected portions of the
25 environment; and
26 (e) Decommissioning terms and conditions which must be in place
27 before construction begins. The terms and conditions shall include a site
28 restoration plan and surety to be held by the county to pay for
29 decommissioning, which may include, but not be limited to, a performance
30 bond for each wind turbine.
31 Sec. 2. Section 70-1014.02, Revised Statutes Cumulative Supplement,
1 2016, is amended to read:
2 70-1014.02 (1)(a) A privately developed renewable energy generation
3 facility that meets the requirements of this section is exempt from
4 sections 70-1012 to 70-1014.01 if no less than thirty days prior to the
5 commencement of construction the owner of the facility:
6 (i) Notifies the board in writing of its intent to commence
7 construction of a privately developed renewable energy generation
8 facility;
9 (ii) Certifies to the board that the facility will meet the
10 requirements for a privately developed renewable energy generation
11 facility;
12 (iii) Certifies to the board that the private electric supplier will
13 (A) comply with any decommissioning requirements adopted by the local
14 governmental entities having jurisdiction over the privately developed
15 renewable energy generation facility and (B) except as otherwise provided
16 in subdivision (b) of this subsection, submit a decommissioning plan to
17 the board obligating the private electric supplier to bear all costs of
18 decommissioning the privately developed renewable energy generation
19 facility and requiring that the private electric supplier post a security
20 bond or other instrument, no later than the tenth year following
21 commercial operation, securing the costs of decommissioning the facility
22 and provide a copy of the bond or instrument to the board;
23 (iv) Certifies to the board that the private electric supplier has
24 entered into or prior to commencing construction will enter into a joint
25 transmission development agreement pursuant to subdivision (c) of this
26 subsection with the electric supplier owning the transmission facilities
27 of sixty thousand volts or greater to which the privately developed
28 renewable energy generation facility will interconnect; and

29 (v) Certifies to the board that the private electric supplier has
30 consulted with the Game and Parks Commission to identify potential
31 measures to avoid, minimize, and mitigate impacts to species identified
1 under subsection (1) or (2) of section 37-806 during the project planning
2 and design phases, if possible, but in no event later than the
3 commencement of construction.

4 (b) The board may bring an action in the name of the State of
5 Nebraska for failure to comply with subdivision (a)(iii)(B) of this
6 subsection. Subdivision (a)(iii)(B) of this subsection does not apply if
7 a local government entity with the authority to create requirements for
8 decommissioning has enacted decommissioning requirements for the
9 applicable jurisdiction.

10 (c) The joint transmission development agreement shall address
11 construction, ownership, operation, and maintenance of such additions or
12 upgrades to the transmission facilities as required for the privately
13 developed renewable energy generation facility. The joint transmission
14 development agreement shall be negotiated and executed contemporaneously
15 with the generator interconnection agreement or other directives of the
16 applicable regional transmission organization with jurisdiction over the
17 addition or upgrade of transmission, upon terms consistent with prudent
18 electric utility practices for the interconnection of renewable
19 generation facilities, the electric supplier's reasonable transmission
20 interconnection requirements, and applicable transmission design and
21 construction standards. The electric supplier shall have the right to
22 purchase and own transmission facilities as set forth in the joint
23 transmission development agreement. The private electric supplier of the
24 privately developed renewable energy generation facility shall have the
25 right to construct any necessary facilities or improvements set forth in
26 the joint transmission development agreement pursuant to the standards
27 set forth in the agreement at the private electric supplier's cost.

28 (2) Within ten days after receipt of a written notice complying with
29 subsection (1) of this section, the executive director of the board shall
30 issue a written acknowledgment that the privately developed renewable
31 energy generation facility is exempt from sections 70-1012 to 70-1014.01.

1 (3) The exemption allowed under this section for a privately
2 developed renewable energy generation facility shall extend to and exempt
3 all private electric suppliers owning any interest in the facility,
4 including any successor private electric supplier which subsequently
5 acquires any interest in the facility.

6 (4) No property owned, used, or operated as part of a privately
7 developed renewable energy generation facility shall be subject to
8 eminent domain by a consumer-owned electric supplier operating in the
9 State of Nebraska. Nothing in this section shall be construed to grant
10 the power of eminent domain to a private electric supplier or limit the
11 rights of any entity to acquire any public, municipal, or utility right-
12 of-way across property owned, used, or operated as part of a privately
13 developed renewable energy generation facility as long as the right-of-
14 way does not prevent the operation of or access to the privately
15 developed renewable energy generation facility.

16 (5) Only a consumer-owned electric supplier operating in the State
17 of Nebraska may exercise eminent domain authority to acquire the land
18 rights necessary for the construction of transmission lines and related
19 facilities. ~~The exercise of eminent domain to provide needed transmission~~
20 ~~lines and related facilities for a privately developed renewable energy~~
21 ~~generation facility is a public use.~~
22 (6) Nothing in this section shall be construed to authorize a
23 private electric supplier to sell or deliver electricity at retail in
24 Nebraska.
25 (7) Nothing in this section shall be construed to limit the
26 authority of or require a consumer-owned electric supplier operating in
27 the State of Nebraska to enter into a joint agreement with a private
28 electric supplier to develop, construct, and jointly own a privately
29 developed renewable energy generation facility.
30 Sec. 3. Original section 70-1014.02, Revised Statutes Cumulative
31 Supplement, 2016, is repealed.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 8, 2018,
in accordance with Section 49-1481, Revised Statutes of Nebraska.
Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

O'Hara Lindsay & Associates, Inc.
Recreation Vehicle Industry Association, Inc.

REPORTS

Agency reports electronically filed with the Legislature can be found on the
Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

MOTION(S) - Confirmation Report(s)

Senator Murante moved the adoption of the Government, Military and
Veterans Affairs Committee report for the confirmation of the following
appointment(s) found on page 772:

Nebraska Accountability and Disclosure Commission
Tom Carlson

Voting in the affirmative, 36:

Albrecht	Chambers	Harr	Linehan	Thibodeau
Baker	Clements	Hilgers	Lowe	Walz
Blood	Ebke	Hilkemann	McCollister	Williams
Bolz	Erdman	Hughes	Murante	Wishart
Bostelman	Friesen	Kolterman	Quick	
Brasch	Geist	Kuehn	Riepe	
Brewer	Groene	Larson	Schumacher	
Briese	Halloran	Lindstrom	Smith	

Voting in the negative, 0.

Present and not voting, 4:

Crawford	Howard	McDonnell	Stinner
----------	--------	-----------	---------

Excused and not voting, 9:

Hansen	Krist	Pansing Brooks	Vargas	Wayne
Kolowski	Morfeld	Scheer	Watermeier	

The appointment was confirmed with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 772:

Nebraska Accountability and Disclosure Commission
Marty Callahan

Voting in the affirmative, 37:

Albrecht	Chambers	Harr	Lowe	Thibodeau
Baker	Clements	Hilgers	McCollister	Walz
Blood	Crawford	Hilkemann	Murante	Watermeier
Bolz	Ebke	Kolterman	Pansing Brooks	Williams
Bostelman	Erdman	Kuehn	Quick	Wishart
Brasch	Friesen	Larson	Riepe	
Brewer	Geist	Lindstrom	Schumacher	
Briese	Halloran	Linehan	Smith	

Voting in the negative, 0.

Present and not voting, 5:

Groene	Howard	Hughes	McDonnell	Stinner
--------	--------	--------	-----------	---------

Excused and not voting, 7:

Hansen	Krist	Scheer	Wayne
Kolowski	Morfeld	Vargas	

The appointment was confirmed with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 772:

State Personnel Board
Patrick Guinan

Voting in the affirmative, 39:

Albrecht	Clements	Harr	Linehan	Schumacher
Baker	Crawford	Hilgers	Lowe	Smith
Blood	Ebke	Hilkemann	McCollister	Thibodeau
Bolz	Erdman	Howard	McDonnell	Walz
Bostelman	Friesen	Kolterman	Murante	Watermeier
Brewer	Geist	Kuehn	Pansing Brooks	Williams
Briese	Groene	Larson	Quick	Wishart
Chambers	Halloran	Lindstrom	Riepe	

Voting in the negative, 0.

Present and not voting, 3:

Brasch	Hughes	Stinner
--------	--------	---------

Excused and not voting, 7:

Hansen	Krist	Scheer	Wayne
Kolowski	Morfeld	Vargas	

The appointment was confirmed with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 828:

Nebraska Tourism Commission
Roger A. Dixon

Voting in the affirmative, 39:

Albrecht	Clements	Harr	Linehan	Schumacher
Baker	Crawford	Hilgers	Lowe	Smith
Blood	Ebke	Hilkemann	McCollister	Thibodeau
Bolz	Erdman	Howard	McDonnell	Walz
Bostelman	Friesen	Hughes	Murante	Watermeier
Brasch	Geist	Kolterman	Pansing Brooks	Williams
Brewer	Groene	Kuehn	Quick	Wishart
Chambers	Halloran	Larson	Riepe	

Voting in the negative, 0.

Present and not voting, 3:

Briese Lindstrom Stinner

Excused and not voting, 7:

Hansen Krist Scheer Wayne
 Kolowski Morfeld Vargas

The appointment was confirmed with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

Senator Murante moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 828:

State Emergency Response Commission
 Sherry Blaha
 Matthew J. DiVito
 John Grimes
 Joseph Oswalt

Voting in the affirmative, 37:

Albrecht	Clements	Hilkemann	McCollister	Thibodeau
Baker	Crawford	Howard	McDonnell	Walz
Blood	Ebke	Hughes	Murante	Watermeier
Bolz	Erdman	Kolterman	Pansing Brooks	Williams
Bostelman	Friesen	Kuehn	Quick	Wishart
Brasch	Geist	Larson	Riepe	
Briese	Halloran	Linehan	Schumacher	
Chambers	Hilgers	Lowe	Smith	

Voting in the negative, 0.

Present and not voting, 6:

Brewer Harr Lindstrom
 Groene Kolowski Stinner

Excused and not voting, 6:

Hansen	Morfeld	Vargas
Krist	Scheer	Wayne

The appointments were confirmed with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 784:

Nebraska Oil and Gas Conservation Commission
Robert P. Goodwin
Thomas D. Oliver

Voting in the affirmative, 28:

Albrecht	Clements	Halloran	Linehan	Scheer
Baker	Crawford	Harr	Lowe	Schumacher
Bostelman	Erdman	Hilgers	McCollister	Thibodeau
Brasch	Friesen	Howard	Murante	Walz
Briese	Geist	Kolowski	Quick	
Chambers	Groene	Larson	Riepe	

Voting in the negative, 0.

Present and not voting, 15:

Blood	Ebke	Kuehn	Pansing Brooks	Watermeier
Bolz	Hilkemann	Lindstrom	Smith	Williams
Brewer	Kolterman	McDonnell	Stinner	Wishart

Excused and not voting, 6:

Hansen	Krist	Vargas
Hughes	Morfeld	Wayne

The appointments were confirmed with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Senator Riepe moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 853:

Foster Care Advisory Committee
Michael Aerni
Noelle Petersen

Voting in the affirmative, 36:

Albrecht	Ebke	Hilgers	McCollister	Thibodeau
Blood	Erdman	Hilkemann	Morfeld	Walz
Bostelman	Friesen	Howard	Murante	Williams
Brasch	Geist	Kolowski	Pansing Brooks	Wishart
Briese	Groene	Kolterman	Quick	
Chambers	Halloran	Larson	Riepe	
Clements	Hansen	Linehan	Scheer	
Crawford	Harr	Lowe	Schumacher	

Voting in the negative, 0.

Present and not voting, 9:

Baker	Brewer	Lindstrom	Smith	Watermeier
Bolz	Kuehn	McDonnell	Stinner	

Excused and not voting, 4:

Hughes	Krist	Vargas	Wayne
--------	-------	--------	-------

The appointments were confirmed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 935A. Introduced by Kuehn, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 935, One Hundred Fifth Legislature, Second Session, 2018.

AMENDMENT(S) - Print in Journal

Senator Howard filed the following amendment to LB931:
AM2228

(Amendments to Standing Committee amendments, AM1849)

- 1 1. On page 1, lines 15 and 16, after "the" insert "practitioner's".
- 2 2. On page 2, strike beginning with "The" in line 5 through "(3)" in line 10; and in line 30 after "patient" insert ", or with the patient if
4 the patient is an emancipated minor,".
- 5 3. On page 3, line 15, strike "In order to take" and insert "Unless
6 the individual taking"; in line 16 strike ", an" and insert "is
7 personally and positively known to the pharmacist or dispensing
8 practitioner, the"; in line 17 strike "Nebraska"; in line 20 strike ",
9 resident, or employee" and insert "who is a resident"; and strike
10 beginning with "if" in line 22 through "facility" in line 23.

GENERAL FILE

LEGISLATIVE BILL 993. Committee AM1908, found on page 748 and considered on page 883, was renewed.

Senator Hilgers offered the following amendment to the committee amendment:

AM2325

(Amendments to Standing Committee amendments, AM1908)

- 1 1. Strike sections 1, 8, and 17 and insert the following new
- 2 section:
- 3 Sec. 17. (1) Any governing body, the Public Service Commission, or
- 4 any public safety agency and their employees, including employees of
- 5 public safety answering points, involved in the provision of next-
- 6 generation 911 service, shall, except for failure to use reasonable care
- 7 or for intentional acts, be immune from liability or the payment of
- 8 damages in providing next-generation 911 service.
- 9 (2) Except as provided in subsection (1) of this section, any person
- 10 involved in the provision of next-generation 911 service who: (a)
- 11 Receives, develops, collects, or processes information for any 911 data
- 12 base; (b) provides local exchange, interexchange, or transport service in
- 13 connection with any next-generation 911 service; (c) relays, transfers,
- 14 operates, maintains, or provides next-generation 911 service or systems
- 15 capabilities; or (d) provides next-generation 911 communications service
- 16 for emergency service providers shall, except for actions or inactions
- 17 that constitute gross negligence or intentional wrongful acts, be immune
- 18 from liability or the payment of damages in the performance of
- 19 installing, maintaining, or providing next-generation 911 service.
- 20 2. Renumber the remaining sections and correct the repealer and
- 21 internal references accordingly.

Senator Hilgers withdrew his amendment.

Senator Friesen offered the following amendment to the committee amendment:

AM2323

(Amendments to Standing Committee amendments, AM1908)

- 1 1. Strike sections 1 and 8.
- 2 2. On page 11, strike beginning with "actions" in line 9 through
- 3 "wrongful" in line 10 and insert "failure to use reasonable care or for
- 4 intentional".
- 5 3. Renumber the remaining sections and correct the repealer and
- 6 internal references accordingly.

The Friesen amendment was adopted with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 998. Title read. Considered.

Committee AM2044, found on page 732, was offered.

SPEAKER SCHEER PRESIDING

Senator Linehan offered the following amendment to the committee amendment:

AM2333

(Amendments to Standing Committee amendments, AM2044)

1 1. On page 1, line 6, after the period insert "If a social worker is
2 so employed, each school district with which the social worker will
3 interact shall designate a contact person for each school in the school
4 district.".

PRESIDENT FOLEY PRESIDING

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 861. Placed on Select File with amendment.

ER121

1 1. On page 1, strike beginning with "counties" in line 1 through
2 line 2 and insert "criminal prosecution; to amend sections 81-8,297,
3 81-8,299, 81-8,300.01, and 81-8,301, Reissue Revised Statutes of
4 Nebraska; to require certain prosecution costs of a county be paid by the
5 state as prescribed; to authorize requests by the Attorney General for
6 appointment of independent counsel in the prosecution of certain criminal
7 cases; to harmonize provisions; and to repeal the original sections."

LEGISLATIVE BILL 42. Placed on Select File with amendment.

ER124

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 60-6,265, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:
5 60-6,265 For purposes of sections 60-6,266 to 60-6,273:
6 (1) Occupant protection system means a system utilizing a lap belt,
7 a shoulder belt, or any combination of belts installed in a motor vehicle
8 which (a) restrains drivers and passengers and (b) conforms to Federal
9 Motor Vehicle Safety Standards, 49 C.F.R. 571.207, 571.208, 571.209, and
10 571.210, as such standards existed on January 1, 2009, or, as a minimum
11 standard, to the federal motor vehicle safety standards for passenger
12 restraint systems applicable for the motor vehicle's model year; and
13 (2) Three-point safety belt system means a system utilizing a
14 combination of a lap belt and a shoulder belt installed in a motor
15 vehicle which restrains drivers and passengers.

16 Sec. 2. Section 60-6,267, Revised Statutes Supplement, 2017, is
17 amended to read:

18 60-6,267 (1) Any person in Nebraska who drives any motor vehicle
19 which has or is required to have an occupant protection system or a
20 three-point safety belt system shall ensure that all children up to eight
21 ~~six~~ years of age being transported by such vehicle (a) use a child
22 passenger restraint system of a type which meets Federal Motor Vehicle
23 Safety Standard 213 as developed by the National Highway Traffic Safety
24 Administration, as such standard existed on January 1, 2009, and which is
25 correctly installed in such vehicle and (b) occupy a seat or seats, other
26 than a front seat, if such seat or seats are so equipped with such
27 passenger restraint system and such seat or seats are not already
1 occupied by a child or children under eight years of age. In addition,
2 all children up to two years of age shall use a rear-facing child
3 passenger restraint system until the child outgrows the child passenger
4 restraint system manufacturer's maximum allowable height or weight.

5 (2) Any person in Nebraska who drives any motor vehicle which has or
6 is required to have an occupant protection system or a three-point safety
7 belt system shall ensure that all children eight ~~six~~ years of age and
8 less than eighteen years of age being transported by such vehicle use an
9 occupant protection system.

10 (3) Subsections (1) and (2) of this section apply to autocycles and
11 to every motor vehicle which is equipped with an occupant protection
12 system or is required to be equipped with restraint systems pursuant to
13 Federal Motor Vehicle Safety Standard 208, as such standard existed on
14 January 1, 2009, except taxicabs, mopeds, motorcycles, and any motor
15 vehicle designated by the manufacturer as a 1963 year model or earlier
16 which is not equipped with an occupant protection system.

17 (4) Whenever any licensed physician determines, through accepted
18 medical procedures, that use of a child passenger restraint system by a
19 particular child would be harmful by reason of the child's weight,
20 physical condition, or other medical reason, the provisions of subsection
21 (1) or (2) of this section shall be waived. The driver of any vehicle
22 transporting such a child shall carry on his or her person or in the
23 vehicle a signed written statement of the physician identifying the child
24 and stating the grounds for such waiver.

25 (5) The drivers of authorized emergency vehicles shall not be
26 subject to the requirements of subsection (1) or (2) of this section when
27 operating such authorized emergency vehicles pursuant to their
28 employment.

29 (6) A driver of a motor vehicle shall not be subject to the
30 requirements of subsection (1) or (2) of this section if the motor
31 vehicle is being operated in a parade or exhibition and the parade or
1 exhibition is being conducted in accordance with applicable state law and
2 local ordinances and resolutions.

3 (7) The Department of Transportation shall develop and implement an
4 ongoing statewide public information and education program regarding the
5 use of child passenger restraint systems and occupant protection systems
6 and the availability of distribution and discount programs for child

7 passenger restraint systems.

8 (8) All persons being transported by a motor vehicle operated by a
9 holder of a provisional operator's permit or a school permit shall use
10 such motor vehicle's occupant protection system or a three-point safety
11 belt system.

12 Sec. 3. Section 71-1907, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:

14 71-1907 Any person furnishing foster care who is subject to
15 licensure under section 71-1902 or the Children's Residential Facilities
16 and Placing Licensure Act, when transporting in a motor vehicle any
17 children for whom care is being furnished, shall use an approved child
18 passenger restraint system for each child, except that an occupant
19 protection system or a three-point safety belt system as defined in
20 section 60-6,265 may be used for any child as prescribed in section
21 60-6,267 ~~six years of age or older~~.

22 Any person violating this section shall be guilty of an infraction
23 as defined in section 29-431 and shall have his or her license to furnish
24 foster care revoked or suspended by the Department of Health and Human
25 Services.

26 For purposes of this section, approved child passenger restraint
27 system shall mean a restraint system which meets Federal Motor Vehicle
28 Safety Standard 213 as developed by the National Highway Traffic Safety
29 Administration, as such standard existed on July 20, 2002.

30 Sec. 4. This act becomes operative on January 1, 2019.

31 Sec. 5. Original sections 60-6,265 and 71-1907, Revised Statutes
1 Cumulative Supplement, 2016, and section 60-6,267, Revised Statutes
2 Supplement, 2017, are repealed.

3 2. On page 1, strike beginning with "60-6,265" in line 1 through
4 line 5 and insert "60-6,265 and 71-1907, Revised Statutes Cumulative
5 Supplement, 2016, and section 60-6,267, Revised Statutes Supplement,
6 2017; to redefine a term; to change provisions relating to child
7 passenger restraint requirements; to harmonize provisions; to provide an
8 operative date; and to repeal the original sections."

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB1078:
AM2318

1 1. Insert the following new section:

2 Section 1. Section 43-1303, Revised Statutes Supplement, 2017, is
3 amended to read:

4 43-1303 (1) The office shall maintain the statewide register of all
5 foster care placements occurring within the state, and there shall be a
6 weekly report made to the registry of all foster care placements by the
7 Department of Health and Human Services, any child-placing agency, or any
8 court in a form as developed by the office in consultation with
9 representatives of entities required to make such reports. For each child

10 entering and leaving foster care, such report shall consist of
11 identifying information, placement information, the plan or permanency
12 plan developed by the person or court in charge of the child pursuant to
13 section 43-1312, and information on whether any such child was a person
14 immune from criminal prosecution under subsection (5) of section 28-801
15 or was considered a trafficking victim as defined in section 28-830. The
16 department, the Office of Probation Administration, and every court and
17 child-placing agency shall report any foster care placement within three
18 working days. The report shall contain the following information:
19 (a) Child identification information, including name, date of birth,
20 gender, race, religion, and ethnicity;
21 (b) Identification information for parents and stepparents,
22 including name, address, and status of parental rights;
23 (c) Placement information, including (i) initial placement date,
24 (ii) current placement date, (iii) ~~and~~ the name and address of the foster
25 care placement, (iv) if a relative placement or kinship placement,
26 whether the foster care placement is licensed, and (v) whether the foster
27 care placement has received a waiver pursuant to section 71-1904 and the
1 basis for such waiver;
2 (d) Court status information, including which court has
3 jurisdiction, initial custody date, court hearing date, and results of
4 the court hearing;
5 (e) Agency or other entity having custody of the child; and
6 (f) Case worker, probation officer, or person providing direct case
7 management or supervision functions.
8 (2)(a) The Foster Care Review Office shall designate a local board
9 to conduct foster care file audit case reviews for each case of children
10 in foster care placement.
11 (b) The office may adopt and promulgate rules and regulations for
12 the following:
13 (i) Establishment of training programs for local board members which
14 shall include an initial training program and periodic inservice training
15 programs;
16 (ii) Development of procedures for local boards;
17 (iii) Establishment of a central record-keeping facility for all
18 local board files, including foster care file audit case reviews;
19 (iv) Accumulation of data and the making of annual reports on
20 children in foster care placements. Such reports shall include, but not
21 be limited to, (A) personal data on length of time in foster care, (B)
22 number of placements, (C) frequency and results of foster care file audit
23 case reviews and court review hearings, (D) number of children supervised
24 by the foster care programs in the state annually, (E) trend data
25 impacting foster care, services, and placements, (F) analysis of the
26 data, and (G) recommendations for improving the foster care system in
27 Nebraska;
28 (v) Accumulation of data and the making of quarterly reports
29 regarding the children in foster care placements;
30 (vi) To the extent not prohibited by section 43-1310, evaluation of
31 the judicial and administrative data collected on foster care and the

1 dissemination of such data to the judiciary, public and private agencies,
 2 the department, and members of the public; and
 3 (vii) Manner in which the office shall determine the appropriateness
 4 of requesting a court review hearing as provided for in section 43-1313.
 5 (3) A local board shall send a written report to the office for each
 6 foster care file audit case review conducted by the local board. A court
 7 shall send a written report to the office for each foster care review
 8 hearing conducted by the court.
 9 (4) The office shall report and make recommendations to the
 10 Legislature, the department, the Office of Probation Administration, the
 11 courts, local boards, and county welfare offices. Such reports and
 12 recommendations shall include, but not be limited to, the annual judicial
 13 and administrative data collected on foster care pursuant to subsections
 14 (2) and (3) of this section and the annual evaluation of such data. The
 15 report and recommendations submitted to the Legislature shall be
 16 submitted electronically. In addition, the Foster Care Review Office
 17 shall provide copies of such reports and recommendations to each court
 18 having the authority to make foster care placements. The executive
 19 director of the office shall also provide, at a time specified by the
 20 Health and Human Services Committee of the Legislature, regular
 21 electronic updates regarding child welfare data and information at least
 22 quarterly, and a fourth-quarter report which shall be the annual report.
 23 The executive director shall include issues, policy concerns, and
 24 problems which have come to the office and the executive director from
 25 analysis of the data. The executive director shall recommend alternatives
 26 to the identified problems and related needs of the office and the foster
 27 care system to the committee. The Health and Human Services Committee
 28 shall coordinate and prioritize data and information requests submitted
 29 to the office by members of the Legislature. The annual report of the
 30 office shall be completed by December 1 each year and shall be submitted
 31 electronically to the committee.
 1 (5) The executive director of the office or his or her designees
 2 from the office may visit and observe foster care facilities in order to
 3 ascertain whether the individual physical, psychological, and
 4 sociological needs of each foster child are being met.
 5 (6) At the request of any state agency, the executive director of
 6 the office or his or her designees from the office may conduct a case
 7 file review process and data analysis regarding any state ward or ward of
 8 the court whether placed in-home or out-of-home at the time of the case
 9 file review.
 10 2. Renumber the remaining sections and amend the repealer
 11 accordingly.

Senator Howard filed the following amendment to LB714:
 AM2339

(Amendments to Standing Committee amendments, AM1754)

1 1. On page 4, strike lines 29 through 31 and insert the following
 2 new subsection:
 3 "(4) Unless otherwise provided in the judgment of emancipation, the

4 judgment of emancipation shall explicitly suspend any order regarding
 5 custody, parenting time, or support of the minor and be reported by the
 6 district court clerk to the jurisdiction that issued such order."

7 2. On page 5, strike lines 1 through 5.

8 3. On page 6, after line 21, insert the following new subsection:

9 "(6) If a prior order regarding custody, parenting time, or support
 10 of the minor was suspended by the judgment of emancipation, the order
 11 rescinding the judgment of emancipation shall be reported by the district
 12 court clerk to the jurisdiction in which such order was issued and shall
 13 serve to reinstate such prior order of custody, parenting time, or
 14 support."; in line 22 strike "(6)" and insert "(7)"; and in line 25
 15 strike "(7)" and insert "(8)".

Senator Krist filed the following amendment to LB944:
 AM2289

(Amendments to Standing Committee amendments, AM1699)

1 1. On page 2, after line 17 insert:

2 "CASH FUND -0- 50,000

3 PROGRAM TOTAL -0- 50,000"; and after line 18 insert:

4 "There is included in the appropriation to this program for
 5 FY2018-19 \$50,000 Cash Funds for state aid, which shall only be used for
 6 such purpose."

Senator Krist filed the following amendment to LB945:
 AM2288

(Amendments to Standing Committee amendments, AM1700)

1 1. Insert the following new section:

2 Sec. 9. Section 9-1,101, Revised Statutes Cumulative Supplement,

3 2016, is amended to read:

4 9-1,101 (1) The Nebraska Bingo Act, the Nebraska County and City
 5 Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle
 6 Card Lottery Act, the Nebraska Small Lottery and Raffle Act, and section
 7 9-701 shall be administered and enforced by the Charitable Gaming
 8 Division of the Department of Revenue, which division is hereby created.
 9 The Department of Revenue shall make annual reports to the Governor,
 10 Legislature, Auditor of Public Accounts, and Attorney General on all tax
 11 revenue received, expenses incurred, and other activities relating to the
 12 administration and enforcement of such acts. The report submitted to the
 13 Legislature shall be submitted electronically.

14 (2) The Charitable Gaming Operations Fund is hereby created. Any
 15 money in the fund available for investment shall be invested by the state
 16 investment officer pursuant to the Nebraska Capital Expansion Act and the
 17 Nebraska State Funds Investment Act.

18 (3)(a) Forty percent of the taxes collected pursuant to sections
 19 9-239, 9-344, 9-429, and 9-648 shall be available to the Charitable
 20 Gaming Division for administering and enforcing the acts listed in
 21 subsection (1) of this section and providing administrative support for
 22 the Nebraska Commission on Problem Gambling. The remaining sixty percent
 23 shall be transferred to the General Fund. Any portion of the forty

24 percent not used by the division in the administration and enforcement of
 25 such acts and section shall be distributed as provided in this
 26 subsection.

1 (b) On or before November 1 each year, the State Treasurer shall
 2 transfer one hundred fifty thousand dollars from the Charitable Gaming
 3 Operations Fund to the Compulsive Gamblers Assistance Fund, except that
 4 no transfer shall occur if the Charitable Gaming Operations Fund contains
 5 less than one hundred fifty thousand dollars.

6 (c) Any money remaining in the Charitable Gaming Operations Fund
 7 after the transfer pursuant to subdivision (b) of this subsection not
 8 used by the Charitable Gaming Division in its administration and
 9 enforcement duties pursuant to this section may be transferred to the
 10 General Fund at the direction of the Legislature.

11 (4) The Tax Commissioner shall employ investigators who shall be
 12 vested with the authority and power of a law enforcement officer to carry
 13 out the laws of this state administered by the Tax Commissioner or the
 14 Department of Revenue and to enforce sections 28-1101 to 28-1117 relating
 15 to possession of a gambling device. For purposes of enforcing sections
 16 28-1101 to 28-1117, the authority of the investigators shall be limited
 17 to investigating possession of a gambling device, notifying local law
 18 enforcement authorities, and reporting suspected violations to the county
 19 attorney for prosecution.

20 (5) The Charitable Gaming Division may charge a fee for publications
 21 and listings it produces. The fee shall not exceed the cost of
 22 publication and distribution of such items. The division may also charge
 23 a fee for making a copy of any record in its possession equal to the
 24 actual cost per page. The division shall remit the fees to the State
 25 Treasurer for credit to the Charitable Gaming Operations Fund.

26 (6) For administrative purposes only, the Nebraska Commission on
 27 Problem Gambling shall be located within the Charitable Gaming Division.
 28 The division shall provide office space, furniture, equipment, and
 29 stationery and other necessary supplies for the commission. Commission
 30 staff shall be appointed, supervised, and terminated by the director of
 31 the Gamblers Assistance Program pursuant to section 9-1004.

1 2. On page 21, line 31, after "sections" insert "9-1,101,".

2 3. Renumber the remaining sections and correct internal references
 3 accordingly.

VISITORS

Visitors to the Chamber were Ginger, Nora, and Jude Jelinek from Firth; Jayson, Deanne, Meghan, Myles, and Lauren Bishop from Grant; Charlotte Kadangwe, Annah Chabinga, and Wakisa Mtika from Malawi; Jim and Jan Campbell from Bertrand; Senator Clements' son, grandson, and granddaughter, Tom, Isaac, and Emma Clements from Louisville; 63 fourth-grade students from Norris Elementary, Millard; and 7 International Visitor Leadership Program participants.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

ADJOURNMENT

At 11:51 a.m., on a motion by Senator Clements, the Legislature adjourned until 10:00 a.m., Monday, March 12, 2018.

Patrick J. O'Donnell
Clerk of the Legislature