

FORTY-NINTH DAY - MARCH 26, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****FORTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 26, 2018

PRAYER

The prayer was offered by Pastor Adam DeMike, Faith Missionary Church, Weeping Water.

ROLL CALL

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

The roll was called and all members were present except Senators Briese, Groene, Hansen, Kuehn, Vargas, and Watermeier who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

BILL ON FIRST READING

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

LEGISLATIVE BILL 947A. Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 947, One Hundred Fifth Legislature, Second Session, 2018; and to declare an emergency.

MOTION(S) - Print in Journal

Senator Brasch filed the following motion to LB1069:
MO296
Place on General File pursuant to Rule 3, Section 20(b).

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR351 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR351.

GENERAL FILE

LEGISLATIVE BILL 990A. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 993A. Considered.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1090A. Considered.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1008. The first committee amendment, AM2564, found on page 1090 and considered on page 1095, was renewed.

Senator Brewer offered his amendment, AM2609, found on page 1100, to the first committee amendment.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1081. Placed on Select File with amendment.

ER143

1 1. In the Linehan amendment, AM2593, on page 2, line 13, strike
2 "board" and insert "State Board of Education".

3 2. On page 1, line 17, after the first semicolon insert "to adopt
4 the Nebraska Reading Improvement Act;".

5 3. On page 2, line 27, strike "department" and insert "State
6 Department of Education".

7 4. On page 5, line 16, after "incorporated" insert "city of the
8 metropolitan class or" and strike the new matter.

9 5. On page 13, line 12, strike the first comma and insert "and the"
10 and after the third comma insert "and".

LEGISLATIVE BILL 1081A. Placed on Select File.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)

Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Nicholas Baxter - Nebraska Educational Telecommunications Commission
Frederik Ohles - Nebraska Educational Telecommunications Commission

Aye: 8 Ebke, Erdman, Groene, Kolowski, Linehan, Morfeld, Pansing Brooks, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Paul Von Behren - Coordinating Commission for Postsecondary Education

Aye: 8 Ebke, Erdman, Groene, Kolowski, Linehan, Morfeld, Pansing Brooks, Walz. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Mike Groene, Chairperson

AMENDMENT(S) - Print in Journal

Senator Baker filed the following amendments to LB640:

AM2635

(Amendments to Standing Committee amendments, AM752)

1 1. On page 1, lines 11 through 13, strike the new matter.

AM2636

(Amendments to Standing Committee amendments, AM752)

1 1. On page 1, lines 9 and 10, strike the new matter and reinstate
2 the stricken matter.
3 2. On page 3, strike lines 5 through 25.

AM2637

(Amendments to Standing Committee amendments, AM752)

1 1. Strike section 8.
2 2. Renumber the remaining sections and correct the repealer
3 accordingly.

AM2638

(Amendments to Standing Committee amendments, AM752)

1 1. On page 13, lines 1 through 5, reinstate the stricken matter.

AM2639

(Amendments to Standing Committee amendments, AM752)

- 1 1. Strike section 1.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

AM2640

(Amendments to Standing Committee amendments, AM752)

- 1 1. Strike section 2.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

AM2641

(Amendments to Standing Committee amendments, AM752)

- 1 1. Strike section 3.
- 2 2. Renumber the remaining sections.

AM2642

(Amendments to Standing Committee amendments, AM752)

- 1 1. Strike section 4.
- 2 2. Renumber the remaining sections.

AM2643

(Amendments to Standing Committee amendments, AM752)

- 1 1. Strike section 9.
- 2 2. Renumber the remaining sections.

AM2644

(Amendments to Standing Committee amendments, AM752)

- 1 1. Strike section 10.
- 2 2. Renumber the remaining sections and correct the repealer
- 3 accordingly.

AM2645

(Amendments to Standing Committee amendments, AM752)

- 1 1. Strike section 11.
- 2 2. Renumber the remaining section.

GENERAL FILE

LEGISLATIVE BILL 1008. The Brewer amendment, AM2609, found on page 1100 and considered in this day's Journal, to the first committee amendment, was renewed.

Pending.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 368.** Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to examine the public employees' retirement systems administered by the Public Employees Retirement Board, including the State Employees Retirement System, the County Employees Retirement System, the School Employees Retirement System of the State of Nebraska, the Nebraska State Patrol Retirement System, and the Nebraska Judges Retirement System. The study may also examine the retirement system administered under the Class V School Employees Retirement Act. The study shall examine issues as they relate to the funding needs, benefits, contributions, and administration of each retirement system.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 369. Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to carry out the provisions of section 13-2402 of the Nebraska Revised Statutes, which require the Nebraska Retirement Systems Committee of the Legislature to monitor underfunded defined benefit plans administered by political subdivisions. The study committee shall conduct a public hearing for the presentation of reports by all political subdivisions with underfunded defined benefit plans.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall conduct a public hearing for the presentation of reports by all political subdivisions with underfunded defined benefit plans.
3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 370. Introduced by Hansen, 26.

PURPOSE: The purpose of this interim study is to conduct a review of issues arising from the lack of mental health treatment for those in the criminal justice system across the state and possible options for expanding services.

This study shall include, but not be limited to, an examination of the following issues:

(1) The short-term and long-term effects of housing inmates with mental health needs at county facilities, where resources are often lacking;

(2) The long wait times for openings at the Lincoln Regional Center (LRC) for defendants who have been ruled incompetent to stand trial, and the effect that has on Nebraska counties and their practice of housing those waiting for beds at the LRC; and

(3) Options for expanding treatment alternatives for defendants found incompetent to stand trial and other inmates with mental health needs, including outpatient and community treatment options and the reopening of regional centers outside Lincoln.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1008. The Brewer amendment, AM2609, found on page 1100 and considered in this day's Journal, to the first committee amendment, was renewed.

SPEAKER SCHEER PRESIDING

Senator Hughes offered the following motion:

MO298

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Hughes moved for a call of the house. The motion prevailed with 22 ayes, 4 nays, and 23 not voting.

Senator Hughes requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 35:

Albrecht	Crawford	Howard	McCollister	Schumacher
Baker	Ebke	Hughes	McDonnell	Smith
Bolz	Friesen	Kolowski	Morfeld	Thibodeau
Bostelman	Geist	Kolterman	Murante	Vargas
Brasch	Harr	Krist	Quick	Walz
Briese	Hilgers	Kuehn	Riepe	Williams
Clements	Hilkemann	Lindstrom	Scheer	Wishart

Voting in the negative, 4:

Brewer	Larson	Watermeier	Wayne
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Present and not voting, 8:

Blood	Erdman	Hansen	Lowe
Chambers	Halloran	Linehan	Pansing Brooks

Excused and not voting, 2:

Groene	Stinner
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The Hughes motion to invoke cloture prevailed with 35 ayes, 4 nays, 8 present and not voting, and 2 excused and not voting.

The Brewer amendment lost with 8 ayes, 28 nays, 11 present and not voting, and 2 excused and not voting.

The original committee amendment, AM2292, was adopted with 38 ayes, 4 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 2 nays, 3 present and not voting, and 2 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 371. Introduced by Brasch, 16.

PURPOSE: The purpose of this resolution is to compile information regarding the number and nature of fence dispute claims filed pursuant to section 34-112.02 of the Nebraska Revised Statutes since enactment of Legislative Bill 108 in 2007 and the extent to which mediation services have been utilized to resolve fencing disputes. The study shall further examine the utility of, and options for, reinstating a fenceviewing mechanism into the Nebraska fence law to provide factfinding and arbitration functions for fencing disputes between adjacent landowners.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 372. Introduced by Baker, 30; McCollister, 20.

PURPOSE: Since the 1970s, school shootings have increased in communities across the nation. School shooters do not have a shared profile, nor a common reason for their attacks.

School violence is a whole community issue and must be addressed at all levels of government to ensure safe learning environments for elementary and secondary school students, teachers, administrators, and others.

In its February 2018 report, "Making Schools Safer," the U.S. Secret Service states, "There are many aspects to creating positive school climates and school safety. School administrators manage reports of all types of concerning behavior, ranging from vandalism to bullying, fights to drugs, suicidal behaviors and violence. With limited resources, schools must be creative in how they address these issues."

The purpose of this resolution is to examine school violence and identify steps that can be taken at the state level to support the efforts of local communities and school districts in preserving our schools as safe environments for learning and growth.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Crawford filed the following amendment to LB589:

AM2663

1 1. Strike original section 1 and insert the following new section:

2 Section 1. Section 29-1917, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 29-1917 (1) Except as provided in section 29-1926 and subsection (5)

5 of this section, at any time after the filing of an indictment or

6 information in a felony prosecution or a petition in a juvenile

7 proceeding under subdivision (2) or (3)(a) of section 43-247, the

8 prosecuting attorney or the defendant may request the court to allow the
9 taking of a deposition of any person other than the defendant who may be
10 a witness in the trial of the offense. The court may order the taking of
11 the deposition when it finds the testimony of the witness:

12 (a) May be material or relevant to the issue to be determined at the
13 trial of the offense; or

14 (b) May be of assistance to the parties in the preparation of their
15 respective cases.

16 (2) An order granting the taking of a deposition shall include the
17 time and place for taking such deposition and such other conditions as
18 the court determines to be just.

19 (3) The proceedings in taking the deposition of a witness pursuant
20 to this section and returning it to the court shall be governed in all
21 respects as the taking of depositions in civil cases.

22 (4) A deposition taken pursuant to this section may be used at the
23 trial by any party solely for the purpose of contradicting or impeaching
24 the testimony of the deponent as a witness.

25 (5)(a) When a child eighteen years of age or younger at the time of
26 the motion has, pursuant to section 28-728, undergone a video-recorded
27 forensic interview at a child advocacy center accredited to conduct such
1 interviews, the court may grant a deposition of such child upon a motion
2 by a party to the case. In determining whether to approve the taking of a
3 deposition, the court shall consider the availability of the recorded
4 statements of the child.

5 (b) Upon granting a motion to depose a child eighteen years of age
6 or younger, the court, on its own motion or by motion of a party, shall
7 issue any protective order that justice requires to protect the child
8 from emotional harm or distress, harassment, undue influence, or
9 intimidation. Such protective order may provide: (i) That the deposition
10 may be taken only on specified terms and conditions, including a
11 designation of the time, place, such as at a child advocacy center, and
12 manner of taking the deposition; (ii) that the scope of the deposition
13 may be limited to certain matters as designated by the court; (iii) that
14 a victim advocate, guardian ad litem, or other support person not a
15 witness to the proceedings shall be present; (iv) that the defendant
16 shall be physically excluded from the deposition but may attend via
17 electronic means as determined by the court; or (v) for any other
18 provision the court determines is justified and appropriate.

19 (c) When issuing a protective order, the court shall consider the
20 age, health, level of intellectual functioning, developmental level, and
21 emotional condition of the child; whether the child has knowledge
22 material to the proof of or defense to any essential element of the
23 crime; whether the child has, pursuant to section 28-728, undergone a
24 video-recorded forensic interview at a child advocacy center accredited
25 to conduct such interviews; and whether the child has provided a full
26 written, taped, or transcribed account of his or her proposed testimony
27 for trial.

VISITORS

Visitors to the Chamber were members of the Monument Prevention Advisory Board from Scotts Bluff County; 65 fourth-grade students from Huntington Elementary, Lincoln; 8 members of the National Association of Insurance and Financial Advisors of Nebraska; and 24 fourth-grade students from Bruning-Davenport Elementary, Davenport.

RECESS

At 11:56 a.m., on a motion by Senator McDonnell, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Bolz, Briese, Friesen, Hilgers, Larson, Morfeld, Stinner, Watermeier, Wayne, Williams, and Wishart who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 776. Senator McCollister withdrew his amendment, AM2018, found on page 700 and considered on page 847.

Senator Groene asked unanimous consent to withdraw his motion, MO243, found on page 853, to reconsider the vote taken to bracket. No objections. So ordered.

Senator Groene withdrew his amendment, AM2373, found on page 947.

Senator McCollister offered his amendment, AM2512, found on page 1038.

The McCollister amendment was adopted with 30 ayes, 1 nay, 7 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 2 nays, 8 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 589. Senator Chambers asked unanimous consent to withdraw his motion, MO253, found on page 938, to reconsider the vote taken to recommit to committee. No objections. So ordered.

Committee AM438, found on page 695, First Session, 2017, and considered on pages 396, 438, 483, 926, and 930, was renewed.

Pending.

AMENDMENT(S) - Print in Journal

Senator Brasch filed the following amendment to LB1069:
AM2382

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

3 Section 1. Section 79-724, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 79-724 It is the responsibility of society to ensure that youth are
6 given the opportunity to become competent, responsible, patriotic, and
7 civil citizens to ensure a An informed, loyal, just, and patriotic
8 citizenry is necessary to a strong, stable, just, and prosperous America.
9 Such a citizenry necessitates that every member thereof be fully literate
10 about our acquainted with the nation's history, government, geography,
11 and economic system. The youth in our state should be committed to the
12 ideas and values of our country's democracy and the constitutional
13 republic established by the people. Schools should help prepare our youth
14 to make informed and reasoned decisions for the public good. Civic
15 competence is necessary to sustain and improve our democratic way of life
16 and must be taught in all public, private, denominational, and parochial
17 schools. A central role of schools is to impart civic knowledge and
18 skills that help our youth to see the relevance of a civic dimension for
19 their lives. Students should be made fully aware of the liberties,
20 opportunities, and advantages of which we are possessed and the
21 sacrifices and struggles of those through whose efforts these benefits
22 were gained and that he or she be in full accord with our form of
23 government and fully aware of the liberties, opportunities, and
24 advantages of which we are possessed and the sacrifices and struggles of
25 those through whose efforts these benefits were gained. Since youth is
26 the time most susceptible to the acceptance of principles and doctrines
27 that will influence men and women throughout their lives, it is one of
1 the first duties of our educational system to conduct its activities,
2 choose its textbooks, and arrange its curriculum in such a way that the
3 youth of our state become competent, responsible, patriotic, and civil
4 American citizens the love of liberty, justice, democracy, and America
5 will be instilled in the hearts and minds of the youth of the state.

6 (1) Every school board of a school district shall, at the beginning
7 of each school year, appoint from its members a committee of three, to be
8 known as the committee on Americanism. The committee on Americanism
9 shall:

10 (a) Hold no fewer than three public meetings annually, at least one
11 where public testimony is accepted;
12 (b) Keep minutes of all meetings showing the time and place of the
13 meeting, which members were present and absent, and the substance and
14 details of all matters discussed;
15 (c) ~~(a)~~ Carefully examine and ensure that the social studies
16 curriculum used in the district is aligned to the social studies
17 standards adopted pursuant to section 79-760.01 and teaches and assesses
18 foundational knowledge in civics, history, economics, financial literacy,

19 and geography;

20 (d) Review and approve the social studies curriculum to ensure that
 21 it adequately stresses ~~inspect, and approve all textbooks used in the~~
 22 teaching of American history and civil government in the school. Such
 23 ~~textbooks shall adequately stress~~ the services of the men and women who
 24 achieved our national independence, established our constitutional
 25 government, and preserved our union and ~~is shall be~~ so written to include
 26 the incorporation of curriculum standards as set forth in sections 79-719
 27 to 79-723 so contributions by ethnic groups as to develop a pride and
 28 respect for our institutions and not be a mere recital of events and
 29 dates;

30 (e) Ensure any curriculum that is recommended or approved by the
 31 committee on Americanism is made readily accessible to the public and
 1 contains a reference to this section;

2 (f) Ensure the district develops and utilizes formative, interim,
 3 and summative assessments, including at a minimum, but not limited to,
 4 the civics portion of the naturalization examination administered by
 5 United States Citizenship and Immigration Services to measure student
 6 mastery of the social studies standards adopted pursuant to section
 7 79-760.01 administered no later than eighth grade and eleventh grade,
 8 with the individual score from such examination for each student made
 9 available to the parents or guardians of such student;

10 (g) ~~(b)~~ Assure themselves as to the character of all teachers
 11 employed and their knowledge and acceptance of the American form of
 12 government; and

13 (h) ~~(e)~~ Take all such other steps as will assure the carrying out of
 14 the provisions of this section and provide a report to the school board
 15 regarding the committee's findings and recommendations.

16 (2) All social studies ~~American history~~ courses approved for grade
 17 levels as provided by this section shall include and adequately stress
 18 contributions of all ethnic groups (a) to the development and growth of
 19 America into a great nation, (b) to art, music, education, medicine,
 20 literature, science, politics, and government, and (c) to the war
 21 services in all wars of this nation.

22 (3) All grades of all public, private, denominational, and parochial
 23 schools, below the sixth grade, shall devote at least one hour per week
 24 to exercises or teaching periods for the following purpose:

25 (a) The discussion ~~recital~~ of stories having to do with American
 26 history or the deeds and exploits of American heroes;

27 (b) The historical background, memorization, and singing of
 28 patriotic songs such as ~~and the insistence that every pupil memorize the~~
 29 Star-Spangled Banner and America the Beautiful; and

30 (c) The development of reverence for the flag and instruction as to
 31 proper conduct in its presentation.

1 (4) In at least two of the three grades from the fifth grade to the
 2 eighth grade in all public, private, denominational, and parochial
 3 schools, time at least three periods per week shall be set aside for to
 4 ~~be devoted to~~ the teaching of American history from the social studies
 5 curriculum approved textbooks, which shall be taught in such a way that

6 all students are given the opportunity to become competent, responsible,
 7 patriotic, and civil citizens who possess a deep understanding of the
 8 United States Constitution and the Constitution of Nebraska and be
 9 prepared to preserve, protect, and defend freedom and democracy in our
 10 nation and our world as to make the course interesting and attractive and
 11 to develop a love of country.

12 (5) In at least two courses in grades of every high school, time at
 13 least three periods per week shall be devoted to the teaching of civics
 14 and American history as outlined in the social studies standards adopted
 15 pursuant to section 79-760.01, during which courses specific attention
 16 shall be given to the following matters:

17 (a) The Declaration of Independence, the United States Constitution,
 18 and the Constitution of Nebraska, and the structure and function of local
 19 government in this state;

20 (b) The benefits and advantages of our form of government, and the
 21 rights and responsibilities of citizenship in our government, and the
 22 dangers and fallacies of forms of government that restrict individual
 23 freedoms or possess antidemocratic ideals such as, but not limited to,
 24 Nazism and communism, dangers and fallacies of Nazism, Communism, and
 25 similar ideologies; and

26 (c) The duties of citizenship, including active participation in the
 27 improvement of a citizen's community, state, country, and world and the
 28 value and practice of civil discourse between opposing interests; and -

29 (d) The application of knowledge in civics, history, economics,
 30 financial literacy, and geography in order to address meaningful issues
 31 within our society.

1 (6) Appropriate patriotic exercises suitable to the occasion shall
 2 be held under the direction of the superintendent in every public,
 3 private, denominational, and parochial school on George Washington's
 4 birthday, Abraham Lincoln's birthday, Dr. Martin Luther King, Jr.'s
 5 birthday, American Indian Day, Flag Day, Memorial Day, Veterans Day,
 6 Columbus Day, and Thanksgiving Day, or on the day or week Lincoln's
 7 birthday, Washington's birthday, Flag Day, Memorial Day, and Veterans
 8 Day, or on the day preceding or following such holiday, if the school is
 9 in session.

10 (7) Every school board, the State Board of Education, and the
 11 superintendent of each school district in the state shall be held
 12 directly responsible in the order named for carrying out this section,
 13 and neglect thereof by any employee or appointed official shall be
 14 considered a dereliction of duty and may be considered a cause for
 15 dismissal.

16 Sec. 2. Section 79-727, Reissue Revised Statutes of Nebraska, is
 17 amended to read:

18 79-727 The State Board of Education shall adopt and promulgate
 19 rules and regulations to carry out the provisions of sections 79-724
 20 through 79-726. The State Department of Education shall ensure that all
 21 requirements of such sections and such rules and regulations are carried
 22 out by each school district. Any person violating the provisions of
 23 sections 79-724 to 79-726 is guilty of a Class III misdemeanor.

24 Sec. 3. Original sections 79-724 and 79-727, Reissue Revised
25 Statutes of Nebraska, are repealed.

Senator Bostelman filed the following amendment to LB901:
AM2614

(Amendments to Standing Committee amendments, AM1726)

1 1. On page 2, strike beginning with the comma in line 13 through the
2 comma in line 14.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 373. Introduced by Lindstrom, 18.

PURPOSE: The purpose of this resolution is to study the potential for public safety officers to retain a portion of pension funds for health care under section 402(l) of the Internal Revenue Code, commonly known as the Healthcare Enhancement for Local Public Safety Retirees (HELPS).

The study shall include, but not be limited to, an examination of the following:

(1) The feasibility of Nebraska public safety officers benefiting from the provisions of HELPS;

(2) The feasibility of different pension plans that allow pretax dollars to be used for health care costs; and

(3) Any relevant considerations, benefits, and challenges of implementing this benefit for public safety officer retirees.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 374. Introduced by Clements, 2; Blood, 3; Crawford, 45; Murante, 49; Smith, 14; Watermeier, 1.

PURPOSE: The purpose of this study is to examine the regional boundaries of the Nebraska Planning and Development Regions set forth in section 13-1901 of the Nebraska Revised Statutes and to recommend any potential changes to such regional boundaries.

The Nebraska Planning and Development Regions were created by LB 573 in 1992 to promote regional planning and economic development throughout the state. The boundaries of these regions have remained unchanged for twenty-six years, even though regional demographics and economic ties between counties and communities have seen much change. A

reassessment of the current boundaries is necessary in order to ensure they are aligned with present economic and demographic realities.

The study committee shall evaluate the boundaries of the Nebraska Planning and Development Regions. Such evaluation shall include, but not be limited to, (1) examining the current growth and development trends in and around these regions, (2) recommendations on whether or not the number of regions currently in statute is optimal, (3) and any recommendations regarding proposed changes to the current boundaries.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 589. Committee AM438, found on page 695, First Session, 2017, and considered on pages 396, 438, 483, 926, 930, and in this day's Journal, was renewed.

Senator Geist moved the previous question. The question is, "Shall the debate now close?"

Senator Crawford moved for a call of the house. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

The motion to cease debate prevailed with 25 ayes, 6 nays, 12 present and not voting, and 6 excused and not voting.

The committee amendment was adopted with 25 ayes, 12 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Crawford offered her amendment, AM1682, found on page 478.

Senator Chambers offered the following amendment to the Crawford amendment:

FA137

Amend AM1682

Page 2, line 3 strike "shall" and insert "may".

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 477A. Introduced by McCollister, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 477, One Hundred Fifth Legislature, Second Session, 2018.

LEGISLATIVE BILL 731A. Introduced by Williams, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 731, One Hundred Fifth Legislature, Second Session, 2018.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 375. Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to examine the issues within the jurisdiction of the General Affairs Committee of the Legislature.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator McCollister filed the following amendment to LB477:

AM2603

(Amendments to Standing Committee amendments, AM2409)

1 1. Strike amendments 1 and 2 and insert the following new

2 amendments:

3 1. On page 3, strike beginning with "Advertise" in line 29 through

4 line 31 and insert "Sell an advertised blend of automotive spark ignition

5 engine fuel containing a ten percent ethanol blend or less at a price

6 other than the price advertised to the consumer on any manual, digital,

7 electronic, or any other form of advertising medium. Any location
 8 utilizing multi-product fuel dispensers with six or more fueling
 9 positions shall make such advertised automotive spark ignition engine
 10 fuel available at every fueling position. This subdivision does not apply
 11 to the sale of any fuel blends containing an ethanol content of greater
 12 than ten percent and does not prohibit discounts for cash payment, self-
 13 service, customer loyalty, fleet programs, or other similar discounts to
 14 the base price at each dispenser; or".
 15 2. On page 4, strike lines 1 through 4; and strike beginning with
 16 "payments" in line 10 through "retail" in line 12 and insert "payment,
 17 self-service, customer loyalty, fleet programs, or other similar
 18 discounts to the base price at each".

Senator Brewer filed the following amendment to LB1008:
 AM2538

(Amendments to Standing Committee amendments, AM2292)

- 1 1. Strike sections 3 and 6.
- 2 2. Renumber the remaining sections and correct internal references
- 3 accordingly.

Senator Harr filed the following amendment to LB909:
 AM2546

(Amendments to Standing Committee amendments, AM2284)

- 1 1. Insert the following new sections:
- 2 Sec. 83. Section 60-601, Revised Statutes Cumulative Supplement,
- 3 2016, is amended to read:
- 4 60-601 Sections 60-601 to 60-6,383 and section 99 of this act shall
 5 be known and may be cited as the Nebraska Rules of the Road.
- 6 Sec. 99. A driver in a vehicle on any roadway other than a
 7 controlled-access highway who is approaching a vehicle operated by a
 8 towing or vehicle recovery service, a publicly or privately owned utility
 9 maintenance vehicle, a highway maintenance vehicle, or a vehicle operated
 10 by a solid waste or recycling collection service which is stopped and
 11 displaying flashing red, yellow, or amber lights shall, unless otherwise
 12 directed by a law enforcement officer, proceed with due care and caution
 13 and:
- 14 (1) Reduce speed to a reasonable speed below the posted speed limit,
 15 move into another lane that is at least one moving lane apart from the
 16 stopped vehicle if possible under existing traffic and safety conditions,
 17 and be prepared to stop; or
- 18 (2) If such a lane change is impossible, unsafe, or prohibited by
 19 law, reduce speed to a reasonable speed below the posted speed limit and
 20 be prepared to stop.
- 21 2. Renumber the remaining sections, correct internal references, and
- 22 correct the repealer accordingly.

COMMITTEE REPORT(S)

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

John W. Orr - Nebraska Environmental Trust Board

Aye: 7 Albrecht, Bostelman, Geist, Hughes, Kolowski, Quick, Walz. Nay: 0. Absent: 1 McCollister. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

GENERAL FILE

LEGISLATIVE BILL 589. The Chambers amendment, FA137, found in this day's Journal, to the Crawford amendment, was renewed.

Pending.

LEGISLATIVE BILL 998. Committee AM2044, found on page 732 and considered on page 907, was renewed.

Senator Linehan asked unanimous consent to withdraw her amendment, AM2333, found on page 907 and considered on page 918, and replace it with her substitute amendment, AM2572, to the committee amendment. No objections. So ordered.

AM2572

(Amendments to Standing Committee amendments, AM2044)

1 1. Insert the following new amendment:

2 3. On page 5, strike lines 20 through 23 and insert "donated as
3 gifts, bequests, or other contributions to the fund from private
4 sources.".

5 2. On page 1, strike beginning with "6," in line 1 through the
6 second semicolon in line 2 and insert "1, after the period insert 'The
7 program terminates on July 1, 2022.'; strike beginning with 'If' in line
8 4 through the period in line 8;"; and in line 6, after the period insert
9 "If a social worker is so employed, each school district with which the
10 social worker will interact shall designate a contact person for each
11 school in the school district.".

Senator Linehan moved for a call of the house. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

The Linehan amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Erdman offered the following motion:

MO299

Bracket until April 12, 2018.

The Erdman motion to bracket failed with 7 ayes, 15 nays, 22 present and not voting, and 5 excused and not voting.

Senator Hughes offered his amendment, AM2366, found on page 921, to the committee amendment.

Senator Hughes moved for a call of the house. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

The Hughes amendment lost with 17 ayes, 14 nays, 13 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The committee amendment, as amended, was adopted with 31 ayes, 2 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 8 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 957. Title read. Considered.

Committee AM1952, found on page 707, was offered.

Senator Lowe offered the following amendment to the committee amendment:

AM2659

(Amendments to Standing Committee amendments, AM1952)

1 1. On page 1, strike beginning with "Upon" in line 13 through
 2 "compensation" in line 16 and insert "After an injury or death subject to
 3 the Nebraska Workers' Compensation Act, the employer, workers'
 4 compensation insurer, or risk management pool and the employee, other
 5 person entitled to compensation, or a legal representative acting on
 6 behalf of such employee or other person entitled to compensation may
 7 enter into a written or electronic agreement that periodic or lump-sum
 8 payments to the employee or other person entitled to compensation may be
 9 made"; in line 20 after the period insert "Prior to entering into such an
 10 agreement for payment by prepaid card, the employer, workers'
 11 compensation insurer, or risk management pool shall provide information
 12 regarding the locations where such card may be used to the employee or
 13 other person entitled to compensation."; in line 24 after the period
 14 insert "The payment or transfer shall include or be accompanied by
 15 information sufficient to identify the nature of the payment being made,
 16 including the employer, workers' compensation insurer, or risk management
 17 pool and the employee or other person entitled to compensation. If an
 18 amount is withheld pursuant to section 48-149, sufficient information to

19 identify the jurisdiction, the case number or similar identifying
 20 information, and the amount withheld shall be provided to the employee or
 21 other person entitled to compensation or his or her legal representative
 22 at or near the time of withholding."; and in line 27 after the third
 23 comma insert "prior to entering into an agreement pursuant to subdivision
 24 (2)(a) of this section".
 25 2. On page 2, after line 3 insert the following new subdivision:
 26 "(c) Any payment or transfer made pursuant to subdivision (2)(a) of
 1 this section by direct deposit, prepaid card, or similar electronic
 2 payment system shall be in the full amount of the lump-sum or periodic
 3 payment awarded or paid pursuant to section 48-121 to the employee or
 4 other person entitled to compensation."; in line 4 strike "(c)" and
 5 insert "(d)"; in line 16 strike "(d)" and insert "(e)", strike "or" and
 6 insert an underscored comma, and after "compensation" insert ", or a
 7 legal representative acting on behalf of such employee or other person
 8 entitled to compensation"; in line 18 after "payment" insert "by
 9 providing written notice of such rescission to the employer, workers'
 10 compensation insurer, or risk management pool that is a party to such
 11 agreement"; strike beginning with "and" in line 18 through "reached" in
 12 line 19; in line 23 after "practicable" insert "after receiving the
 13 information necessary to do so"; in line 30 strike "(e)" and insert
 14 "(f)"; and strike beginning with "workers'" in line 30 through "agent" in
 15 line 31 and insert "a workers' compensation insurer, or a risk management
 16 pool or an agent of any such entity".
 17 3. On page 3, line 2, after "agent" insert "of any such entity"; and
 18 in line 7 strike "(f)" and insert "(g)".

The Lowe amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Senator McDonnell offered the following amendment to the committee amendment:

AM2673

(Amendments to Standing Committee amendments, AM1952)

1 1. On page 1, strike beginning with "Such" in line 18 through the
 2 period in line 20 and insert "Payments made by direct deposit, prepaid
 3 card, or similar electronic payment system pursuant to this subsection
 4 shall not be subject to attachment or garnishment or held liable in any
 5 way for any debts, except as provided in section 48-149; and an agreement
 6 under this subdivision shall include notice of this fact.".

The McDonnell amendment was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 751. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1121. Title read. Considered.

Committee AM1913, found on page 659, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1121A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 376. Introduced by Kolterman, 24.

PURPOSE: The purpose of this resolution is to study whether the Property and Casualty Insurance Rate and Form Act should be amended to modernize and reduce regulatory requirements for commercial lines of property and casualty insurance.

In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Department of Insurance and should consider the input of interested parties as the study committee deems necessary and appropriate.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Walz filed the following amendment to LB998:
AM2665

- 1 3. On page 5, strike beginning with the period in line 16 through
- 2 "fund" in line 17; and in line 18 after the period insert "For budgetary
- 3 purposes, the fund shall be administered through the State Department of
- 4 Education.".

BILL ON FIRST READING

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

LEGISLATIVE BILL 1034A. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1034, One Hundred Fifth Legislature, Second Session, 2018.

VISITORS

Visitors to the Chamber were 60 eighth-grade students from St. Robert Bellarmine Catholic School, Omaha; 63 fourth-grade students from Grant Elementary, Norfolk; and 10 University of Nebraska Beef Industry Scholars from Lincoln.

RECESS

At 5:32 p.m., on a motion by Senator Baker, the Legislature recessed until 6:00 p.m.

AFTER RECESS

The Legislature reconvened at 6:00 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Bolz, Friesen, Hilkemann, Howard, Hughes, Kolowski, Krist, Morfeld, Murante, Pansing Brooks, Quick, Stinner, Wayne, and Wishart who were excused until they arrive.

NOTICE OF COMMITTEE HEARING(S)

Government, Military and Veterans Affairs

Room 1507

Tuesday, April 3, 2018 12:00 p.m.

Jeanna Stavas - Nebraska Tourism Commission
Kate Sullivan - Nebraska Accountability and Disclosure Commission
Hearing on Dept. of Corrections rules and regulations from LB 446 (1994)
Hearing on Tourism Commission rules and regulations from LB 1053
(2012)
Hearing on Secretary of State rules and regulations from LB 964 (1996)
LR292
LR257

(Signed) John Murante, Chairperson

COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1058. Placed on General File with amendment.
AM2527

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. This act shall be known and may be cited as the Faithful
- 4 Delegate to Federal Article V Convention Act.
- 5 Sec. 2. For purposes of the Faithful Delegate to Federal Article V
- 6 Convention Act:
- 7 (1) Alternate delegate means an individual selected pursuant to
- 8 section 4 of this act to represent this state as an alternate delegate at
- 9 an Article V convention;
- 10 (2) Article V convention means a convention called by the United
- 11 States Congress under Article V of the Constitution of the United States;
- 12 (3) Delegate means:
- 13 (a) An individual designated or appointed pursuant to section 4 of
- 14 this act to represent this state as a delegate at an Article V
- 15 convention; and
- 16 (b) An alternate delegate who fills a vacancy created by the removal
- 17 of a delegate or acts in place of the delegate in his or her absence; and
- 18 (4) Unauthorized vote means a vote by a delegate at an Article V
- 19 convention that:
- 20 (a) Exceeds the scope of the subject matter of the Article V
- 21 convention authorized by the Legislature in the application to the United
- 22 States Congress to call the convention if the Legislature made an
- 23 application to call the convention; or
- 24 (b) Exceeds the scope or subject matter of the Article V convention
- 25 if the Legislature did not make an application to the United States
- 26 Congress to call the convention.
- 27 Sec. 3. The purposes of the Faithful Delegate to Federal Article V
- 1 Convention Act are (1) to provide the rules and procedures necessary to
- 2 create and guide a delegation to an Article V convention, (2) to provide
- 3 legislative direction relating to the selection of an alternate delegate
- 4 and the filling of a vacancy of a delegate or an alternate delegate, and
- 5 (3) to determine an unauthorized vote.
- 6 Sec. 4. (1) In advance of any formal, legal call for an Article V
- 7 convention, the Legislature predetermines and authorizes the following
- 8 five officeholders to perform the duties of delegates to an Article V
- 9 convention:
- 10 (a) Lieutenant Governor;
- 11 (b) Auditor of Public Accounts;
- 12 (c) Secretary of State;
- 13 (d) State Treasurer; and
- 14 (e) Speaker of the Legislature.
- 15 (2) The Executive Board of the Legislative Council shall select five

16 alternate delegates from the list of chairpersons and vice-chairpersons
17 of the standing committees of the Legislature at the time of the formal,
18 legal call of the Article V convention.
19 (3) If the number of delegates allocated to represent this state at
20 the Article V convention is determined by the United States Congress or
21 by agreement among the states to be more than five, each delegate
22 designated pursuant to subsection (1) of this section, in the order
23 listed in such subsection, shall appoint a designee to serve as an
24 additional delegate until the number of delegates allocated has been
25 appointed, up to ten delegates. If the number is more than ten, the
26 Legislature shall appoint additional delegates from among the members of
27 the Legislature, up to the allocated number, by majority vote of the
28 members of the Legislature. The executive board shall appoint the
29 appropriate number of alternate delegates from among the members of the
30 Legislature after the appointment of the delegates.
31 (4) The executive board shall pair each alternate delegate with a
1 delegate at the time of the formal, legal calling of an Article V
2 convention or the appointment of the delegates or alternate delegates.
3 The alternate delegate is designated to automatically fill a vacancy in
4 the position of the paired delegate. If the positions of the delegate and
5 paired alternate delegate are both vacant, the executive board shall
6 appoint a new delegate and paired alternate delegate to succeed the prior
7 delegate and alternate delegate from the list of chairpersons and vice-
8 chairpersons of the standing committees of the Legislature at the time of
9 the vacancies.
10 Sec. 5. (1) The delegates and alternate delegates shall not be
11 compensated for their service as delegates and alternate delegates.
12 (2) The delegates and alternate delegates may be reimbursed for
13 their actual and necessary expenses incurred in the performance of their
14 official duties as provided in sections 81-1174 to 81-1177.
15 Sec. 6. (1) Each delegate and alternate delegate shall take the
16 following oath before voting or taking an action as a delegate or an
17 alternate delegate of this state: I do solemnly swear (or affirm) that,
18 to the best of my abilities, I will, as a delegate (or an alternate
19 delegate) to the Article V convention, act according to the limits of the
20 authority granted to me as a delegate (or an alternate delegate) under
21 the Faithful Delegate to Federal Article V Convention Act and will not
22 consider or vote to approve an amendment to the Constitution of the
23 United States not authorized by the Legislature in its application to the
24 United States Congress to call this convention or an amendment outside of
25 the scope of this convention if the Legislature did not make an
26 application to the United States Congress to call this convention.
27 (2) Each delegate and alternate delegate shall file the executed
28 oath with the Secretary of State.
29 Sec. 7. An alternate delegate shall act in the place of his or her
30 paired delegate when the delegate is absent from the convention. An
31 alternate delegate acting under this section shall be deemed the delegate
1 for purposes of such action.
2 Sec. 8. (1) A delegate shall not cast an unauthorized vote. An

3 unauthorized vote is invalid.

4 (2) A delegate who casts an unauthorized vote is disqualified from
 5 serving as a delegate or an alternate delegate, and a vacancy created by
 6 a disqualification shall be filled as provided in section 4 of this act.

7 (3) A delegate who casts an unauthorized vote may be removed
 8 following a quo warranto action pursuant to sections 25-21,121 to
 9 25-21,148. A delegate who is found guilty of casting an unauthorized vote
 10 pursuant to such action shall be removed as a delegate, notwithstanding
 11 section 25-21,133. If a delegate who holds that position by virtue of
 12 holding another office is removed as a delegate pursuant to a quo
 13 warranto action, he or she shall not be removed from the other office
 14 pursuant to that quo warranto action.

15 (4) The Attorney General shall, upon the request of a delegate or an
 16 alternate delegate, advise the delegate or alternate delegate whether
 17 there is reason to believe that an action or an attempt to take an action
 18 by a delegate could result in an unauthorized vote.

LEGISLATIVE BILL 1065. Placed on General File with amendment.
 AM1890 is available in the Bill Room.

LEGISLATIVE BILL 1115. Placed on General File with amendment.
 AM2664

1 1. On page 2, lines 4 and 5, strike "the supreme court districts.";
 2 and in line 9 after the last "the" insert "same year as the".

(Signed) John Murante, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 377. Introduced by Lowe, 37;
 Brewer, 43; Crawford, 45; Howard, 9; Quick, 35; Wayne, 13.

PURPOSE: The purpose of this interim study is to review procedures and practices at the Youth Rehabilitation and Treatment Center-Kearney and the Youth Rehabilitation and Treatment Center-Geneva with the intent to improve the safety and security of the residents of the facilities, staff at the facilities, and neighbors who live near the facilities.

The study shall include an examination of the following:

- (1) Recent practices and procedures that have worked to improve safety and security and those that have not been effective; and
- (2) Practices and procedures that have been attempted at other facilities to improve safety and security but have not been attempted at the Youth Rehabilitation and Treatment Center-Kearney or the Youth Rehabilitation and Treatment Center-Geneva.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 378. Introduced by Larson, 40; Lindstrom, 18; Williams, 36.

PURPOSE: The purpose of this resolution is to study what changes to the Uniform Protected Series Act (UPSA) are necessary for the act to best fit within Nebraska business entity law and practices. The UPSA, as promulgated by the National Conference of Commissioners of Uniform State Laws (NCCUSL) in 2017, is the first comprehensive statute governing series limited liability companies. The study should include a review of issues raised during consideration of Legislative Bill 1121, which was introduced by Senator Larson in 2018 and referenced to the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the study committee should seek the assistance of the Secretary of State and Nebraska members of the NCCUSL. The study committee should also consider the input of interested persons, including the practicing bar, as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 379. Introduced by Kuehn, 38.

PURPOSE: The purpose of this resolution is to study the potential impact of changing provisions under the Industrial Relations Act for the determination of same or similar working conditions for noncertificated or noninstructional school employees employed by a school district, educational service unit, or community college by including criteria related to the property tax base of the employer.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee may upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 497. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 1 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 629. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 799. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 5 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 812. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 6 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 815. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 3 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 733. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 1 nay, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 847. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 848. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 732. Title read. Considered.

Committee AM1526, found on page 474, was adopted with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 840. Title read. Considered.

Committee AM1596, found on page 477, was adopted with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 708. Title read. Considered.

Committee AM1632, found on page 519, was adopted with 38 ayes, 0 nays, 3 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 3 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 885. Title read. Considered.

Committee AM1626, found on page 552, was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1012. Title read. Considered.

Committee AM1691, found on page 554, was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 701. Title read. Considered.

Committee AM1880, found on page 636, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 742. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 380. Introduced by Hilgers, 21.

WHEREAS, Diffuse Intrinsic Pontine Glioma (DIPG) affects between 200 and 400 children in the United States each year; and

WHEREAS, brain tumors are the leading cause of cancer-related deaths in children; and

WHEREAS, DIPG is the second-most common malignant brain tumor found in children and the leading cause of childhood death due to brain tumors; and

WHEREAS, prognosis has not improved for children with DIPG in more than 35 years, but new medical technology and research finally offers hope for treatments for children afflicted with this disease; and

WHEREAS, Nebraska is pleased to help increase public awareness of this deadly childhood cancer.

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

1. That the Legislature designates May 17, 2018, as DIPG Awareness Day in Nebraska.

2. That the citizens of the state are encouraged to learn about Diffuse Intrinsic Pontine Glioma and support DIPG research.

Laid over.

LEGISLATIVE RESOLUTION 381. Introduced by Hilgers, 21.

PURPOSE: The purpose of this interim study is to examine potential inclusion of financial literacy and entrepreneurship in the academic content standards adopted by the State Board of Education as proposed in Legislative Bill 1094, which was heard by the Education Committee of the Legislature on February 6, 2018. Entrepreneurship and financial literacy are essential for a strong education and are pivotal elements for the growth of Nebraska. The ability to manage funds and financial resources is crucial for a lifetime of financial well-being, and the Legislature recognizes the importance of entrepreneurship in Nebraska for the cultivation of growth and innovation within the state.

This study shall include, but not be limited to, an examination of academic content standards related to:

- (1) Using financial resources effectively;
- (2) Managing debt, including student loans, mortgages, credit cards, and car loans;

(3) Managing personal finances, including, but not limited to: Investing personal assets, utilizing savings accounts, handling insurance, and filing taxes; and

(4) Employing entrepreneurship skills, including business planning, business operations, and business financing.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 382. Introduced by Hilgers, 21.

PURPOSE: The purpose of this study is to conduct a comprehensive review of the provisions in state law affecting farm wineries. The study committee may seek input from industry stakeholders, including, but not limited to, the Nebraska Winery and Grape Growers Association, the Nebraska Grape and Winery Board, the Department of Agriculture, the University of Nebraska Institute of Agriculture and Natural Resources, the Nebraska Tourism Commission, and the Nebraska Liquor Control Commission. The study committee shall examine issues including, but not be limited to:

(1) How current statutory provisions hamper the growth potential for the farm winery industry;

(2) Policies that may be developed to promote farm wineries in the state; and

(3) Policies in other states regarding farm wineries.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT(S) - Print in Journal

Senator Ebke filed the following amendment to LB841:
AM2634 is available in the Bill Room.

Senator Bolz filed the following amendment to LB793:

AM2583

1 1. Insert the following new sections:

2 Section 1. Section 68-1111, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 68-1111 Sections 68-1111 to 68-1119 and section 9 of this act shall
5 be known and may be cited as the Aging and Disability Resource Center
6 ~~Demonstration Project Act.~~

7 Sec. 2. Section 68-1113, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 68-1113 The purpose of the Aging and Disability Resource Center
10 ~~Demonstration Project Act is to evaluate the feasibility of establishing~~
11 ~~aging and disability resource centers statewide~~ to provide information
12 about long-term care services and support available in the home and
13 community for older Nebraskans or persons with disabilities, family
14 caregivers, and persons who request information or assistance on behalf
15 of others and to assist eligible individuals to access the most
16 appropriate public and private resources to meet their long-term care
17 needs.

18 It is the intent of the Legislature that aging and disability
19 resource centers serve as an ongoing component of Nebraska's long-term
20 care continuum and that aging and disability resource center sites
21 coordinate and establish partnerships as necessary with organizations
22 specializing in serving aging persons and persons with disabilities to
23 provide the services described in the act.

24 Sec. 3. Section 68-1114, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 68-1114 For purposes of the Aging and Disability Resource Center
27 ~~Demonstration Project Act:~~

1 (1) Aging and disability resource center means a community-based
2 entity established to provide information about long-term care services
3 and support and to facilitate access to options counseling to assist
4 eligible individuals and their representatives in identifying the most
5 appropriate services to meet their long-term care needs;

6 (2) Area agency on aging has the meaning found in section 81-2208;

7 (3) Center for independent living has the definition found in 29

8 U.S.C. 796a, as such section existed on January 1, 2018 ~~2015~~;

9 (4) Department means the State Unit on Aging of the Division of
10 Medicaid and Long-Term Care of the Department of Health and Human
11 Services or any successor agency designated by the state to fulfill the
12 responsibilities of section 305(a)(1) of the federal Older Americans Act
13 of 1965, 42 U.S.C 3025(a)(1), as such section existed on January 1, 2018
14 ~~2015~~;

15 (5) Eligible individual means a person who has lost, never acquired,
16 or has one or more conditions that affect his or her ability to perform
17 basic activities of daily living that are necessary to live
18 independently;

19 (6) Options counseling means a service that assists an eligible
20 individual in need of long-term care and his or her representatives to

21 make informed choices about the services and settings which best meet his
 22 or her long-term care needs and that uses uniform data and information
 23 collection assessments and encourages the widest possible use of
 24 community-based options to allow an eligible individual to live as
 25 independently as possible in the setting of his or her choice;

26 (7) Representative means a person designated as a legal guardian,
 27 designated by a power of attorney or a health care power of attorney, or
 28 chosen by law, by a court, or by an eligible individual seeking services,
 29 but use of the term representative shall not be construed to disqualify
 30 an individual who retains all legal and personal autonomy;

31 (8) Uniform assessment means a single standardized tool used to
 1 assess a defined population at a specific time; and

2 (9) University Center for Excellence in Developmental Disability
 3 Education, Research and Service means the federally designated University
 4 Center for Excellence in Developmental Disability Education, Research and
 5 Service of the Munroe-Meyer Institute at the University of Nebraska
 6 Medical Center.

7 Sec. 4. Section 68-1115, Revised Statutes Cumulative Supplement,
 8 2016, is amended to read:

9 68-1115 The department shall award funding grants for ~~three~~ aging
 10 and disability resource centers. The department shall pursue federal
 11 matching funds as applicable and allocate such funds to the aging and
 12 disability resource centers center demonstration projects. ~~The department~~
 13 ~~shall adopt criteria for evaluating proposals to operate an aging and~~
 14 ~~disability resource center demonstration project based on the~~
 15 ~~requirements in section 68-1116 and release a request for proposals~~
 16 ~~within sixty days after August 30, 2015.~~

17 Sec. 5. Section 68-1116, Revised Statutes Cumulative Supplement,
 18 2016, is amended to read:

19 68-1116 (1) The aging and disability resource ~~centers center~~
 20 ~~demonstration projects~~ shall be established to evaluate the feasibility
 21 of establishing aging and disability resource centers statewide as a
 22 means of promoting appropriate, effective, and efficient use of long-term
 23 care resources. ~~The aging and disability resource center demonstration~~
 24 ~~projects shall operate through June 30, 2018.~~

25 (2) Each aging and disability resource center ~~demonstration project~~
 26 shall provide one or more of the following services:

27 (a) ~~(1)~~ Comprehensive information on the full range of available
 28 public and private long-term care programs, options, financing, service
 29 providers, and resources within a community, including information on the
 30 availability of integrated long-term care;

31 (b) Options counseling;

1 (c) ~~(2)~~ Assistance in accessing and applying for public benefits
 2 programs;

3 ~~(3) Options counseling;~~

4 (d) ~~(4)~~ A convenient point of entry to the range of publicly
 5 supported long-term care programs for an eligible individual;

6 (e) ~~(5)~~ A process for identifying unmet service needs in communities
 7 and developing recommendations to respond to those unmet needs;

8 (f) ~~(6)~~ Facilitation of person-centered transition support to assure
9 that an eligible individual is able to find the services and support that
10 are most appropriate to his or her need;
11 (g) ~~(7)~~ Mobility management to promote the appropriate use of public
12 transportation services by a person who does not own or is unable to
13 operate an automobile; and
14 (h) ~~(8)~~ A home care provider registry that will provide a person who
15 needs home care with the names of home care providers and information
16 about his or her rights and responsibilities as a home care consumer.
17 Sec. 6. Section 68-1117, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:
19 68-1117 (1) ~~An~~ Within sixty days after the release date of a request
20 ~~for proposals under section 68-1115, an area agency on aging shall~~
21 ~~establish a partnership with one or more lead organizations that~~
22 ~~specialize in serving , after consultation with a collaboration of~~
23 ~~organizations that serve aging persons and persons with congenital and~~
24 ~~acquired disabilities to provide services as described in subsection (2)~~
25 ~~of section 68-1116, including, but not limited to, centers for~~
26 independent living and the University Center for Excellence in
27 Developmental Disability Education, Research and Service, for the purpose
28 of developing an aging and disability resource center plan. After
29 consultation with a collaboration of and with other organizations,
30 ~~including, but not limited to,~~ organizations providing advocacy,
31 protection, and safety for aging persons and persons with congenital and
1 acquired disabilities, the partnership may submit to the department a
2 ~~proposal to establish an aging and disability resource center plan~~
3 ~~demonstration project. The plan proposal shall specify how organizations~~
4 currently serving eligible individuals will be engaged in the process of
5 delivery of services through the aging and disability resource center
6 ~~demonstration project. The proposal shall be developed in consultation~~
7 ~~with eligible individuals and their representatives. The plan proposal~~
8 shall indicate how resources will be utilized by the collaborating
9 organizations to fulfill the responsibilities of an aging and disability
10 resource center ~~demonstration project.~~
11 (2) Two or more area agencies on aging may develop a joint ~~proposal~~
12 ~~to establish an aging and disability resource center plan demonstration~~
13 ~~project to serve all or a portion of their planning-and-service areas. A~~
14 joint plan proposal shall provide information on how the services
15 described in section 68-1116 will be provided in the counties to be
16 served by the aging and disability resource center ~~demonstration project~~
17 ~~described in the joint proposal.~~
18 Sec. 7. Section 68-1118, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:
20 68-1118 The department shall provide ~~Within thirty days after~~
21 ~~receipt of a proposal developed pursuant to subsection (1) or (2) of~~
22 ~~section 68-1117, the department shall review the proposal and determine~~
23 ~~whether the proposal is eligible for funding. The department shall select~~
24 ~~three proposals for funding. The department shall enter into a contract~~
25 ~~with an independent institution having experience in evaluating aging and~~

26 ~~disability programs for an evaluation of the aging and disability~~
27 ~~resource center demonstration projects. The contract shall require that a~~
28 ~~report regarding evaluating the aging and disability resource centers~~
29 ~~demonstration projects be presented to the Clerk of the Legislature prior~~
30 ~~to December 1, of 2016, 2017, and 2018, and each December 1 thereafter.~~

31 Sec. 8. Section 68-1119, Revised Statutes Cumulative Supplement,
1 2016, is amended to read:

2 68-1119 The department shall reimburse each area agency on aging
3 operating an aging and disability resource center ~~demonstration project~~
4 on a schedule agreed to by the department and the area agency on aging.
5 Such reimbursement shall be made from (1) state funds appropriated by the
6 Legislature, (2) federal funds allocated to the department for the
7 purpose of establishing and operating aging and disability resource
8 centers, and (3) other funds as available.

9 Sec. 9. It is the intent of the Legislature that the costs for
10 staff, operations, and state aid necessary to carry out the Aging and
11 Disability Resource Center Act be funded from the Nebraska Health Care
12 Cash Fund for fiscal years 2018-19 and 2019-20.

13 Sec. 10. Section 71-7611, Revised Statutes Supplement, 2017, is
14 amended to read:

15 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State
16 Treasurer shall transfer (a) sixty million three hundred thousand dollars
17 on or before July 15, 2014, (b) sixty million three hundred fifty
18 thousand dollars on or before July 15, 2015, (c) sixty million three
19 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty
20 million seven hundred thousand dollars on or before July 15, 2017, (e)
21 ~~sixty-one sixty~~ million ~~six seven~~ hundred thousand dollars on or before
22 July 15, 2018, (f) sixty-one million three hundred fifty thousand dollars
23 on or before July 15, 2019, and (g) ~~(f)~~ sixty million four hundred fifty
24 thousand dollars on or before every July 15 thereafter from the Nebraska
25 Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement
26 Trust Fund to the Nebraska Health Care Cash Fund, except that such amount
27 shall be reduced by the amount of the unobligated balance in the Nebraska
28 Health Care Cash Fund at the time the transfer is made. The state
29 investment officer shall advise the State Treasurer on the amounts to be
30 transferred first from the Nebraska Medicaid Intergovernmental Trust Fund
31 until the fund balance is depleted and from the Nebraska Tobacco
1 Settlement Trust Fund thereafter in order to sustain such transfers in
2 perpetuity. The state investment officer shall report electronically to
3 the Legislature on or before October 1 of every even-numbered year on the
4 sustainability of such transfers. The Nebraska Health Care Cash Fund
5 shall also include money received pursuant to section 77-2602. Except as
6 otherwise provided by law, no more than the amounts specified in this
7 subsection may be appropriated or transferred from the Nebraska Health
8 Care Cash Fund in any fiscal year.

9 The State Treasurer shall transfer ten million dollars from the
10 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on
11 June 28, 2018, and June 28, 2019.

12 It is the intent of the Legislature that no additional programs are

13 funded through the Nebraska Health Care Cash Fund until funding for all
14 programs with an appropriation from the fund during FY2012-13 are
15 restored to their FY2012-13 levels.

16 (2) Any money in the Nebraska Health Care Cash Fund available for
17 investment shall be invested by the state investment officer pursuant to
18 the Nebraska Capital Expansion Act and the Nebraska State Funds
19 Investment Act.

20 (3) The University of Nebraska and postsecondary educational
21 institutions having colleges of medicine in Nebraska and their affiliated
22 research hospitals in Nebraska, as a condition of receiving any funds
23 appropriated or transferred from the Nebraska Health Care Cash Fund,
24 shall not discriminate against any person on the basis of sexual
25 orientation.

26 (4) The State Treasurer shall transfer fifty thousand dollars on or
27 before July 15, 2016, from the Nebraska Health Care Cash Fund to the
28 Board of Regents of the University of Nebraska for the University of
29 Nebraska Medical Center. It is the intent of the Legislature that these
30 funds be used by the College of Public Health for workforce training.

31 Sec. 12. Sections 11 and 13 of this act become operative three
1 calendar months after the adjournment of this legislative session. The
2 other sections of this act become operative on their effective date.

3 Sec. 14. Original sections 68-1111, 68-1113, 68-1114, 68-1115,
4 68-1116, 68-1117, 68-1118, and 68-1119, Revised Statutes Cumulative
5 Supplement, 2016, and section 71-7611, Revised Statutes Supplement, 2017,
6 are repealed.

7 Sec. 15. Since an emergency exists, this act takes effect when
8 passed and approved according to law.

9 2. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McDonnell name added to LB1040.

VISITORS

The Doctor of the Day was Dr. George Voigtlander from Pawnee City.

ADJOURNMENT

At 6:58 p.m., on a motion by Senator Hansen, the Legislature adjourned
until 9:00 a.m., Tuesday, March 27, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

