

FIFTIETH DAY - MARCH 27, 2018
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
 Tuesday, March 27, 2018

PRAYER

The prayer was offered by Pastor Becky Saddler, Arapahoe First United Methodist Church, Arapahoe.

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 Morfeld, Murante, Pansing Brooks, Scheer, Stinner, Vargas, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 909. Placed on Select File with amendment.
 ER145

- 1 1. In the Standing Committee amendments, AM 2284:
- 2 a. On page 12, line 26, strike "effective" and insert "operative";
- 3 b. On page 18, line 29, strike "(vix)" and insert "(ix)"; and
- 4 c. On page 90, line 23, strike the comma and show as stricken.
- 5 2. On page 1, strike beginning with the second "to" in line 1
- 6 through the first semicolon in line 12 and insert "to amend sections
- 7 28-1204.04, 37-1280, 37-1285, 37-1293, 60-104, 60-119, 60-129, 60-133,
- 8 60-142.04, 60-142.05, 60-142.06, 60-174, 60-191, 60-309, 60-335, 60-348,
- 9 60-354, 60-378, 60-389, 60-3,185, 60-4,128, 60-4,130.04, 60-6,244,
- 10 60-6,254, 60-6,255, 60-6,263, 60-6,279, 60-6,306, 60-6,307, 60-6,308,
- 11 60-6,313, and 69-2441, Reissue Revised Statutes of Nebraska, sections
- 12 60-104.01, 60-124, 60-146, 60-148, 60-168.01, 60-169, 60-171, 60-173,
- 13 60-175, 60-309.01, 60-316, 60-340, 60-3,100, 60-3,113.02, 60-3,113.03,
- 14 60-3,143, 60-3,147, 60-3,148, 60-3,187, 60-3,190, 60-3,221, 60-3,228,
- 15 60-463.02, 60-480, 60-484, 60-4,122, 60-4,123, 60-4,123.01, 60-4,124,

16 60-4,127, 60-4,182, 60-610.01, 60-639, 60-640, 60-6,226, 60-1401.28, and
 17 60-1401.42, Revised Statutes Cumulative Supplement, 2016, sections
 18 37-1285.01, 60-101, 60-102, 60-119.01, 60-149, 60-164, 60-164.01, 60-192,
 19 60-301, 60-302, 60-336.01, 60-363, 60-386, 60-395, 60-3,104, 60-3,229,
 20 60-501, 60-628.01, 60-6,267, and 60-1507, Revised Statutes Supplement,
 21 2017, section 37-1283, Revised Statutes Supplement, 2017, as amended by
 22 section 75, Legislative Bill 193, One Hundred Fifth Legislature, Second
 23 Session, 2018, and section 60-166, Revised Statutes Supplement, 2017, as
 24 amended by section 87, Legislative Bill 193, One Hundred Fifth
 25 Legislature, Second Session, 2018, and section 2, Legislative Bill 275,
 26 One Hundred Fifth Legislature, Second Session, 2018; to change provisions
 27 relating to the Motor Vehicle Certificate of Title Act, the Motor Vehicle
 1 Registration Act, the Motor Vehicle Operator's License Act, the Motor
 2 Vehicle Safety Responsibility Act, the Nebraska Rules of the Road, and
 3 the Motor Vehicle Industry Regulation Act; to define and redefine terms;
 4 to authorize the Department of Motor Vehicles to remove a lien from a
 5 certificate of title as prescribed; to change implementation dates for
 6 provisions relating to electronic certificates of title for motorboats
 7 and certain vehicles and the electronic dealer services system as
 8 prescribed; to provide for an electronic reporting system for dismantled
 9 and salvage motorboats and dismantled and salvage vehicles; to change
 10 provisions relating to assembled vehicles and kit vehicles; to exempt
 11 certain vehicles from titling and registration requirements as
 12 prescribed; to provide for registration and titling of vehicles as
 13 reconstructed or replica; to provide for application for a certificate of
 14 title for an assembled vehicle; to change documentation requirements for
 15 application for a certificate of title; to provide for certificates of
 16 title for certain vehicles of motor vehicle auction dealers; to provide
 17 for a flood damaged title brand; to provide for the use of identification
 18 numbers for registering certain trailers as prescribed; to provide for
 19 registration of metropolitan utilities district vehicles as prescribed;
 20 to change renewal provisions relating to handicapped or disabled parking
 21 permits as prescribed; to provide a tax exemption for nonresident spouses
 22 of servicemembers as prescribed; to change provisions relating to
 23 registration fees, gross vehicle weight, towing of trailers, issuance and
 24 renewal of state identification cards, autocycles, and commercial driver
 25 safety course requirements; to require operators and passengers of
 26 certain autocycles to wear protective helmets as prescribed; to provide a
 27 duty for the Revisor of Statutes; to provide operative dates;"

LEGISLATIVE BILL 990. Placed on Select File with amendment.
 ER144

1 1. On page 1, line 1, strike "crimes and offenses" and insert
 2 "firearms"; in line 3 strike "and 28-1201" and insert ", 28-1201, and
 3 43-2,129"; and in line 6 after the first semicolon insert "to create a
 4 duty for the court under the Nebraska Juvenile Code;"

LEGISLATIVE BILL 990A. Placed on Select File.

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Riepe filed the following amendment to LB1119:
AM2535

1 1. Strike original section 8 and insert the following new section:
2 Sec. 8. A participating provider shall continuously monitor care
3 quality in accordance with a standardized set of care quality and patient
4 satisfaction measurements. Such care quality measurements shall include,
5 but not be limited to, the following:
6 (1) Patient engagement measurement, including, but not limited to,
7 the percentage of enrollees who have:
8 (a) Completed a health risk assessment; and
9 (b) Completed a face-to-face visit to the enrollee's participating
10 provider;
11 (2) Prevention measurement, including, but not limited to, the
12 percentage of enrollees who have received appropriate screenings for
13 their age or gender; and
14 (3) Chronic disease management.
15 2. On page 2, line 6, after "provider" insert "pharmaceutical care
16 as defined in section 38-2831 provided by a licensed pharmacist."; after
17 line 18 insert the following new subdivision:
18 "(8) Plan administrator means the entity with which the department
19 contracts to administer the direct primary care health plan;" in line 19
20 strike "(8)" and insert "(9)"; in line 20 strike "(9)" and insert "(10)";
21 in line 24 strike "2021-22" and insert "2022-23"; and in line 30 after
22 the second "option" insert "for health care coverage outside of primary
23 care".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 383. Introduced by Albrecht, 17.

PURPOSE: The purpose of this interim study is to examine the feasibility of adopting a workers' compensation drug formulary. The study committee shall examine the following:

- (1) Whether prescribing practices in workers' compensation cases affect or contribute to the prescription opioid problem;
- (2) Whether the use of a drug formulary would result in more efficient delivery of medications, provide workers with reasonable and necessary care and treatment, and reduce utilization of habit-forming opioids and narcotics;
- (3) The extent to which use of a workers' compensation drug formulary would provide savings in workers' compensation claims;
- (4) Whether the use of a drug formulary can decrease the length of disability for injured workers and increase return-to-work rates and outcomes; and
- (5) Whether a workers' compensation drug formulary, if adopted, should cover all prescription drugs or be limited to only controlled substances or only opioids.

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 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 384. Introduced by Williams, 36.

PURPOSE: The purpose of this interim study is to examine the prevalence of cancer in Nebraska and to examine the existing state funding sources that go towards cancer research. This study shall include:

(1) A determination of which cancers have the highest incidents and prevalence in Nebraska, with particular attention to be focused on pancreatic cancer, certain types of pediatric cancer, and certain types of women's cancer;

(2) A development of approaches to address the cancers found to have the highest incidents and prevalence; and

(3) An examination of the existing funding sources that go towards cancer research, including an examination of the types of cancers addressed by such funding sources and the effectiveness thereof.

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

1. That the Appropriations Committee of the Legislature, in consultation with 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.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 354, 355, and 356 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 354, 355, and 356.

GENERAL FILE

LEGISLATIVE BILL 640. Committee AM752, found on page 971 and considered on page 1052, First Session, 2017, was renewed.

Senator Briese renewed his amendment, AM1036, found on page 1067, First Session, 2017, to the committee amendment.

Senator Briese withdrew his amendment.

Senator Friesen offered his amendment, AM1065, found on page 1068, First Session, 2017, to the committee amendment.

Senator Friesen withdrew his amendment.

Senator Chambers offered the following motion:

MO300

Recommit to the Revenue Committee.

Senator Chambers withdrew his motion to recommit to committee.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 993A. Placed on Final Reading.

LEGISLATIVE BILL 1090A. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Thibodeau has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

AMENDMENT(S) - Print in Journal

Senator Riepe filed the following amendment to LB1034:

AM2573

(Amendments to Standing Committee amendments, AM2322)

1 1. On page 55, line 23, after the period insert "If a school-age
2 child care program accepts reimbursement from a state or federal program,
3 the Department of Health and Human Services shall also determine whether
4 the school-age child care program complies with the requirements of the
5 state or federal program for such reimbursement.".

RESOLUTION(S)**LEGISLATIVE RESOLUTION 385.** Introduced by Quick, 35.

WHEREAS, service to others is a hallmark of American character and central to how we meet our challenges; and

WHEREAS, the nation's governments are increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities by educating students for the jobs of the 21st century, fighting the opioid epidemic, responding to natural disasters, and supporting veterans and military families; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with local leaders nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, the National Association of Counties, Cities of Service, and local leaders across the country for National Service Recognition Day on April 3, 2018.

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

1. That the Legislature designates April 3, 2018, as National Service Recognition Day.

2. That Nebraskans are encouraged to recognize the positive impact of national service in our community, to thank those who serve, and to find ways to give back to their communities.

Laid over.

LEGISLATIVE RESOLUTION 386. Introduced by Hilkemann, 4.

PURPOSE: The purpose of this resolution is to examine the impact on state spending as a result of the use of tobacco products in Nebraska. The study shall include, but not be limited to, the following issues:

- (1) To identify an exhaustive list of expenditures by the state as a result of the use of tobacco products;
- (2) To put special emphasis on Medicaid expenditures as a result of the use of tobacco products; and
- (3) To examine the impact of productivity of the state employee workforce as a result of the use of tobacco products.

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

- 1. That the Appropriations 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 387. Introduced by Hughes, 44.

PURPOSE: Eastern Redcedar (ERC) is a native tree that has always been a fixture on the Nebraska landscape, providing valuable wood products, wind and soil protection, and habitat for a variety of species of wildlife. However, the rapid spread of ERC presents an increasingly serious ecological and economic issue with substantial impacts statewide. Addressing the spread of ERC poses challenges of a magnitude that dwarf the capacity and resources of any one agency or organization.

It is important to understand the factors behind the rapid spread of ERC, including the lack of fire on the landscape (both prescribed fire and wildfire), changes in farm and grazing practices, lack of prevention management, changes in land ownership patterns, and conservation plantings.

The study committee, at a minimum, shall:

- (1) Specifically identify the current threats of ERC spread;
 - (2) Quantify the potential economic loss caused by the spread of ERC;
 - (3) Quantify the loss of wildlife and critical habitat;
 - (4) Explore whether funding streams already exist in state statute for ERC control;
 - (5) Investigate liability concerns that inhibit prescribed burning; and
 - (6) Obtain public feedback on:
 - (a) The best use of ERC as a windbreak;
 - (b) Whether alternative species exist to satisfy the needs of landowners;
- and
- (c) The cost and challenges of ERC management.

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

- 1. That the Natural Resources 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 388. Introduced by Bolz, 29.

PURPOSE: The purpose of this resolution is to examine issues related to updating the Nebraska Advantage Act. Economic growth is vital to the state, and Nebraska has many strengths that allow it to be competitive in a global economy. The goal of the Nebraska Advantage Act has been to encourage new businesses to locate in Nebraska and to retain existing businesses and aid in their expansion, but the December 31, 2020, deadline for new applications is approaching.

The study shall include an examination of the following:

(1) Legislative efforts to encourage new businesses to locate in Nebraska and to retain existing businesses and aid in their expansion; and

(2) Additional opportunities to:

(a) Create incentives to promote the creation and retention of new jobs in the state;

(b) Attract and retain growth in certain industries (generally non-retail) such as large data centers; and

(c) Create better jobs to improve the overall economic health of the state.

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

1. That the Revenue 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 389. Introduced by Bolz, 29.

PURPOSE: The purpose of this resolution is to examine criteria for economic development tools funded by the Legislature. Economic growth is vital to the state, and Nebraska has many strengths that allow it to be competitive in a global economy. Economic development tools funded by the Legislature include, but are not limited to, the Job Training Cash Fund, Site and Building Development Fund, Business Innovation Act, and grants for paid internships pursuant to sections 81-1210.01 to 81-1210.03 of the Nebraska Revised Statutes.

The study shall include, but not be limited to, an examination of legislative opportunities to:

(1) Encourage economic growth and development;

(2) Strengthen Nebraska's workforce; and

(3) Promote the retention of existing jobs.

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

1. That the Appropriations 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 390. Introduced by Bolz, 29.

PURPOSE: The Legislature created the Office of Violence Prevention in 2009 in order to develop, foster, promote, and assess violence prevention programs. The purpose of this resolution is to study the success of the Office of Violence Prevention since its establishment, including:

(1) Best practices for violence prevention as assessed by the Office of Violence Prevention;

(2) Opportunities to expand, promote, and develop best practice initiatives to prevent violence in Nebraska;

(3) Opportunities for future growth, efforts, and initiatives to reduce violence statewide; and

(4) The effects of the Office of Violence Prevention on violence over time in Nebraska, as well as a review of the resources and authorities afforded the office to determine their sufficiency.

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 on or before December 15, 2018.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 391. Introduced by Hansen, 26.

PURPOSE: The purpose of this interim study is to study the effects on elections should Nebraska switch to an all vote-by-mail system.

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

(1) The effects on counties and their capacity to implement a vote-by-mail system;

(2) The potential effect on voter turnout, including an analysis of states who have implemented an all vote-by-mail system; and

(3) A cost-benefit analysis of the potential effect an all vote-by-mail system would have on the State of Nebraska.

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.

LEGISLATIVE RESOLUTION 392. Introduced by Hansen, 26.

PURPOSE: Neighborhoods across the state face a variety of challenges, and neighborhood and city leaders have expressed a desire for more tools to help promote safe, inclusive, and strong neighborhoods. The purpose of this resolution is to examine neighborhood issues and potential neighborhood improvement tools.

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

(1) Existing and potential neighborhood improvement policy solutions, including those in other states;

(2) Neighborhood improvement policies which promote community- and resident-driven priorities and outcomes; and

(3) Other issues faced by neighborhoods in Nebraska.

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

1. That the Urban 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.

LEGISLATIVE RESOLUTION 393. Introduced by Walz, 15.

PURPOSE: The purpose of this resolution is to study delinquent or unpaid school meal accounts in Nebraska schools and school districts. This study shall include, but not be limited to, an examination of the following issues:

(1) The practices and policies of schools and school districts regarding delinquent or unpaid school meal accounts;

(2) The effect of such practices and policies on students and families, including how delinquent or unpaid school meal accounts are demonstrated or communicated to students and families;

(3) The amount or quantity of debt carried by schools and school districts regarding delinquent or unpaid school meal accounts;

(4) The administrative costs associated with addressing delinquent or unpaid school meal accounts;

(5) The manner in which schools and school districts attempt to collect on delinquent or unpaid school meal accounts; and

(6) Any other related topics the study committee deems appropriate.

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 394. Introduced by Quick, 35.

PURPOSE: The purpose of this resolution is to examine policies and practices designed to assist low-income Nebraskans at risk of utility shutoffs due to overdue payments. The study shall focus on whether these programs and policies are effectively preventing Nebraskans from losing critical utility services. The study shall include a review of utility companies' formal written policies with respect to shutoffs, other practices employed by utility providers to reduce and prevent shutoffs, and adherence to the state's "cold weather rule."

The study shall include, but not be limited to, the following issues:

(1) The scope and adequacy of regulatory systems governing public and private utility companies;

(2) The application of the cold weather rule in Nebraska; and

(3) Examination of best practices in other states with respect to utility shutoffs, including but not limited to:

(a) Protections that apply to all utility providers, both public and private;

(b) Utilities of all types (i.e., gas, electric, etc.); and

(c) Year-round protections not bound by season or extreme temperatures.

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

1. That the Natural Resources 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 395. Introduced by Bostelman, 23; Brewer, 43; Briese, 41; Ebke, 32; Erdman, 47; Kolterman, 24; Watermeier, 1.

PURPOSE: The purpose of this resolution is to examine issues to identify the needs of and improve upon the emergency medical services system provided by volunteers in Nebraska.

Residents, workers, and visitors in rural, suburban, and nonurban areas rely almost exclusively on volunteer providers of emergency medical services. Volunteer firefighters and volunteer emergency medical service personnel have provided emergency medical services to their local communities for over a century at only a fraction of the cost to the taxpayers which would have resulted from implementing a system of paid fire departments and paid emergency medical services. Many cities, villages, and rural areas cannot afford the cost of maintaining their current level of emergency medical services without the presence of a local pool of committed and dedicated volunteer firefighters and emergency service personnel.

Nebraska communities which rely on volunteers to provide emergency services are faced with numerous economic and demographic trends and conditions which make the recruitment and retention of qualified volunteers increasingly difficult. As a consequence, some volunteer departments are trying to cope with declining rosters of active volunteers. However, recruiting people to volunteer their time to serve as volunteer emergency medical service personnel is very difficult because there are extensive educational requirements including at least 160 hours of classroom time, plus independent study time. Upon completion of the classwork lasting at least six months, an emergency medical service candidate must pass the National Registry of Emergency Medical Technicians exam in order to obtain a credential to serve as an emergency medical service provider. Many candidates fail to pass the exam making recruitment and retention efforts that much more difficult here in Nebraska.

Nebraska must ensure that volunteer providers of emergency medical services and volunteer firefighters are given the support they need in order to continue to provide emergency medical services in the communities they serve. This study shall include, but not be limited to, an examination of the following issues:

- (1) The expectation and requirements of education and testing to become certified as a volunteer emergency medical service provider;
- (2) The reporting requirement expectations of volunteer emergency medical service personnel after responding to an incident;
- (3) The demographics of Nebraska communities which rely exclusively on volunteer emergency medical services;
- (4) The current number of volunteer emergency medical service personnel and the number of volunteer personnel vacancies within the State of Nebraska;
- (5) The current delivery and possible improvement of emergency medical services instruction and training to volunteer emergency medical service candidates in Nebraska;

(6) The number of emergency medical service providers that have ceased their operations in the last ten years and the mechanisms used by communities to compensate for the loss of local volunteer emergency medical services; and

(7) The mechanisms to be used to address the emergency medical service needs of Nebraska citizens and tourists during the next ten years and into the future.

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 396. Introduced by Lowe, 37.

PURPOSE: The purpose of this interim study is to examine possible changes to the School Employees Retirement Act and the Class V School Employees Retirement Act.

The study shall include an examination of defined benefit plans, defined contribution plans, and cash balance plans and an analysis of which type of plan:

- (1) Is the most beneficial to taxpayers;
- (2) Is best able to withstand solvency issues; and
- (3) Is the most beneficial to 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 397. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine the statutory authority for municipalities to establish port authorities. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the current authority of municipalities to establish boards of public docks under sections 13-1401 through 13-1417 of the Nebraska Revised Statutes;

(2) A review of port authority statutes in other states, with an emphasis on non-coastal states; and

(3) A review of the potential benefits to municipalities of establishing port authorities, particularly in cities of the metropolitan class.

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

1. That the Urban 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.

LEGISLATIVE RESOLUTION 398. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine the impact of sanitary and improvement districts (SIDs) upon annexations by municipalities. The issues addressed by this interim study shall include, but not be limited to:

(1) An examination of the costs to municipalities of annexing an SID, including the cost to provide services to new residents and the cost of assuming SID debt;

(2) An examination of the impact of the use of SIDs on the availability of affordable housing within municipalities; and

(3) An examination of the impact of the use of SIDs on racial and socioeconomic segregation within municipalities.

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

1. That the Urban 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.

LEGISLATIVE RESOLUTION 399. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine issues related to metropolitan transit authorities. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of sections 14-1801 through 14-1826 of the Nebraska Revised Statutes governing metropolitan transit authorities;

(2) An examination of the potential statutory changes that would be needed to authorize the establishment of a regional transit authority or the establishment of a separate transit authority by a city other than a city of the metropolitan class; and

(3) An examination of the steps that would need to be taken at the federal and state levels to facilitate the transfer of transit assets from a municipality to a regional transit authority or separate transit authority.

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

1. That the Urban 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.

LEGISLATIVE RESOLUTION 400. Introduced by Quick, 35.

PURPOSE: The purpose of this interim study is to examine issues related to the Nebraska Municipal Land Bank Act. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the effects that vacant, abandoned, and tax-delinquent properties have on Nebraska municipalities, and the role that land banks could play in addressing these effects;

(2) A review of the creation of the Omaha Municipal Land Bank by the City of Omaha, and the impact that the Omaha Municipal Land Bank has had in addressing vacant, abandoned, and tax-delinquent properties in Omaha; and

(3) A review of provisions in the Nebraska Municipal Land Bank Act that are designed to ensure that land banks do not compete with private sector businesses.

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

1. That the Urban 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.

LEGISLATIVE RESOLUTION 401. Introduced by Ebke, 32; Watermeier, 1.

PURPOSE: The purpose of this study is to identify the lawful occupations and the occupational regulations which are subject to the Occupational Board Reform Act enacted by Legislative Bill 299, One Hundred Fifth Legislature, Second Session, 2018, to prepare forms for the occupational boards and the standing committees of the Legislature to comply with the act, and to otherwise prepare for the implementation of the act.

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

1. That the Executive Board of the Legislative Council 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.

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 989. Placed on General File with amendment. AM2612 is available in the Bill Room.

(Signed) Curt Friesen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 640. Senator Groene offered his amendment, AM2445, found on page 1046, to the committee amendment.

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

Senator Linehan moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The Groene amendment was adopted with 25 ayes, 8 nays, 12 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Baker offered the following motion:

MO301

Bracket until April 18, 2018.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1008. Placed on Select File with amendment.

ER146

1 1. On page 1, strike beginning with "the" in line 1 through line 3
2 and insert "law; to amend sections 37-613 and 57-904, Reissue Revised
3 Statutes of Nebraska, and sections 70-1015 and 81-15,160, Revised
4 Statutes Cumulative Supplement, 2016; to change amounts of certain
5 liquidated damages under the Game Law; to change the compensation of
6 members of the Nebraska Oil and Gas Conservation Commission; to authorize
7 the withholding of certain competitive or proprietary information
8 relating to public power; to change provisions relating to privately
9 developed renewable energy generation facilities; to change a date
10 relating to grants for certain scrap tire projects; to provide a duty for
11 the Revisor of Statutes; to provide operative dates; to repeal the
12 original sections; and to declare an emergency."

LEGISLATIVE BILL 776. Placed on Select File with amendment.

ER147

1 1. In the McCollister amendment, AM2512, on page 1, line 16, after
2 "persons" insert an underscored comma.
3 2. On page 1, line 3, strike "to state findings;"

(Signed) Anna Wishart, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 402. Introduced by Halloran, 33.

PURPOSE: With the increase in school shootings in recent years, the purpose of this resolution is to examine the issue of granting local school boards the authority to allow school employees, including teachers, administrators, and support staff, to carry concealed handguns on school grounds if they have received proper training and are permitholders under the Concealed Handgun Permit Act.

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 403. Introduced by Halloran, 33.

PURPOSE: The purpose of this interim study is to examine the enrollment option program described in sections 79-232 to 79-246. The study shall include:

- (1) An examination of the enrollment option program to ascertain whether the program is achieving the desired results for which it was created;
- (2) An examination of the cost-effectiveness of the program;
- (3) An examination of the effects on school districts, including whether some schools have been negatively impacted by the program to the benefit of other school districts; and
- (4) Any recommendations to address the possible inequities to school districts.

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 404. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine the potential impact of Opportunity Zones under the federal Tax Cuts and Jobs Act on municipalities in Nebraska. The issues addressed by this interim study shall include, but not be limited to:

- (1) A review of the Nebraska municipalities which include census tracts that were nominated by the Governor for potential designation as an Opportunity Zone by the United States Secretary of the Treasury;
- (2) A review of potentially eligible census tracts within municipalities that were not nominated by the Governor for potential designation as an Opportunity Zone; and
- (3) An examination of the potential economic development impact on municipalities if census tracts within a municipality receive an Opportunity Zone designation.

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

1. That the Urban 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.

LEGISLATIVE RESOLUTION 405. Introduced by Walz, 15.

PURPOSE: The purpose of this resolution is to study the conditions which lead to the congregation, isolation, and segregation of Nebraskans with mental illness who reside in institutional settings, including assisted-living facilities, and those who are at risk of placement in institutional settings due to a lack of community supports and services.

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

(1) Whether the Department of Health and Human Services is taking adequate steps to ensure behavioral health services are administered in the most integrated setting pursuant to the Americans with Disabilities Act of 1990;

(2) What steps the department has taken to advance the recommendations proposed by the Technical Assistance Collaborative as a consultant to the department, including permanent supportive housing;

(3) The effectiveness of the department in administering its behavioral health services through the behavioral health regions;

(4) The need for statutory changes to the Nebraska Behavioral Health Services Act in order to address the role of the regions, including, but not limited to, how a region identifies and communicates its services to individuals who are not clients of the region, including in-reach to people with severe and persistent mental illness who reside in institutional settings, and a region's role in protecting the health and safety of such individuals;

(5) The lack of adequate conditions in assisted-living facilities where people with mental illness reside;

(6) The effectiveness of statutes, regulations, and licensure requirements administered by the Division of Public Health of the Department of Health and Human Services in providing oversight of and protecting the health and safety of people with mental illness who reside in such facilities;

(7) Whether the existing Medicaid state plan or waiver services are sufficient to meet the service needs of individuals in the most integrated settings possible, including the possible adoption of the Medicaid 1115 waiver; and

(8) Successful models and programs implemented in other states that have addressed the issues identified in this resolution.

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 406. Introduced by Morfeld, 46.

PURPOSE: In 2016, Nebraska voters reinstated capital punishment in this state. As such, it is imperative that the state ensures its capital defense systems and stakeholders are meeting best practices for capital defense to ensure that the rights of the accused are upheld and to minimize liability for the counties and the state regarding ineffective assistance of counsel claims and other issues.

Several other death penalty states such as Alabama, Arizona, Georgia, Louisiana, Nevada, Ohio, Oregon, and Texas have explored and implemented the American Bar Association's Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases.

The purpose of this resolution is to examine the feasibility of adopting these standards in Nebraska and to identify and evaluate other considerations related to capital defense costs, tools, personnel, best practices, mitigation, training, and support for possible legislation or appropriations. The issues examined in this study shall include, but not be limited to:

- (1) An exploration of the current capital defense system in Nebraska;
- (2) An exploration of the American Bar Association's Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases;
- (3) An exploration of the process utilized by other death penalty states to convene stakeholders, adopt these guidelines, ensure adequate appropriations to support these guidelines, and ensure capital defense systems are meeting best practices; and
- (4) An exploration of any other legal or policy issues related to ensuring the capital defense system is meeting best practices as appropriate.

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.

LEGISLATIVE RESOLUTION 407. Introduced by Morfeld, 46.

PURPOSE: The State Records Board oversees and manages electronic access to state government information, including a contract with a network manager to provide for electronic access to public records. Since legislation was enacted in 1996, this self-funded model has led to the development and management of technology to allow citizens electronic access to government information and services without the use of any up-front expenditures from the state. The purpose of this resolution is to examine the self-funded model and the steps necessary to ensure its continued success in providing Nebraskans electronic access to government records and documents.

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.

LEGISLATIVE RESOLUTION 408. Introduced by Morfeld, 46.

PURPOSE: The purpose of this interim study is to examine resources available to the state and political subdivisions to fund roads. The issues to be addressed by this interim study shall include, but not be limited to:

(1) An examination of the costs associated with building and maintaining roads;

(2) A review of the funding needs;

(3) A review of current funding sources; and

(4) A review of past legislative efforts to address roads funding and whether those efforts have met intended expectations.

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

1. That the Revenue 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.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Blood name added to LB738.
Senator Morfeld name added to LB738.
Senator Lowe name added to LB845.

VISITORS

Visitors to the Chamber were 10 twelfth-grade students and teacher from Sutherland; 13 members of the Leadership Bellevue 2018 class; 54 fourth-grade students from St. Columbkille Catholic School, Papillion; 6 twelfth-grade students and teachers from Spalding Academy; 14 eleventh- and twelfth-grade students and teacher from Papillion/La Vista; 52 fourth-grade students from Fort Calhoun Elementary; 4 members of Norfolk Youth Leadership Council; 7 First National Bank of Omaha Management Trainees; members of the Nebraska Chapters of Delta Sigma Theta Sorority Incorporated from Lincoln and Omaha; and 82 fourth-grade students from Pine Creek Elementary, Bennington.

RECESS

At 11:54 a.m., on a motion by Senator Vargas, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Blood, Bolz, Larson, Pansing Brooks, Thibodeau, Watermeier, Wayne, and Wishart who were excused until they arrive.

COMMITTEE REPORT(S)

Health and Human Services

LEGISLATIVE BILL 793. Placed on General File.

LEGISLATIVE BILL 794. Placed on General File with amendment.
AM2000

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 38-1086, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 38-1086 In order to maintain its license in good standing, each

6 salon shall operate in accordance with the following requirements:

- 7 (1) The salon shall at all times comply with all applicable
 8 provisions of the Cosmetology, Electrology, Esthetics, Nail Technology,
 9 and Body Art Practice Act and all rules and regulations adopted and
 10 promulgated under such act;
- 11 (2) The salon owner or his or her agent shall notify the department
 12 at least thirty days prior to any change of ownership, name, or address,
 13 and within one week if a salon is permanently closed, except in emergency
 14 circumstances as determined by the department;
- 15 (3) No salon shall permit any unlicensed or unregistered person to
 16 perform any of the practices of cosmetology within its confines or
 17 employment;
- 18 (4) The salon shall display a name upon, over, or near the entrance
 19 door distinguishing it as a salon;
- 20 (5) The salon shall permit any duly authorized agent of the
 21 department to conduct an operation inspection or investigation at any
 22 time during the normal operating hours of the salon, without prior
 23 notice, and the owner and manager shall assist the inspector by providing
 24 access to all areas of the salon, all personnel, and all records
 25 requested by the inspector;
- 26 (6) The salon shall display in a conspicuous place the following
 27 records:
- 1 (a) The current license or certificate of consideration to operate a
 2 salon;
- 3 (b) The current licenses or registrations of all persons employed by
 4 or working in the salon; and
- 5 (c) The rating sheet from the most recent operation inspection;
- 6 (7) At no time shall a salon employ more employees than permitted by
 7 the square footage requirements of the Cosmetology, Electrology,
 8 Esthetics, Nail Technology, and Body Art Practice Act; and
- 9 (8) The salon shall not knowingly permit its employees ~~or clients~~ to
 10 use, ~~or consume, serve, or in any manner possess or distribute~~
 11 intoxicating beverages ~~or controlled substances~~ upon its premises.
- 12 Sec. 2. Section 38-10,142, Reissue Revised Statutes of Nebraska, is
 13 amended to read:
- 14 38-10,142 In order to maintain its license in good standing, each
 15 nail technology salon shall operate in accordance with the following
 16 requirements:
- 17 (1) The nail technology salon shall at all times comply with all
 18 applicable provisions of the Cosmetology, Electrology, Esthetics, Nail
 19 Technology, and Body Art Practice Act and all rules and regulations
 20 adopted and promulgated under such act;
- 21 (2) The nail technology salon owner or his or her agent shall notify
 22 the department at least thirty days prior to any change of ownership,
 23 name, or address, and at least one week prior to closure, except in
 24 emergency circumstances as determined by the department;
- 25 (3) No nail technology salon shall permit any unlicensed or
 26 unregistered person to perform any of the practices of nail technology
 27 within its confines or employment;

28 (4) The nail technology salon shall display a name upon, over, or
 29 near the entrance door distinguishing it as a nail technology salon;
 30 (5) The nail technology salon shall permit any duly authorized agent
 31 of the department to conduct an operation inspection or investigation at
 1 any time during the normal operating hours of the nail technology salon,
 2 without prior notice, and the owner and manager shall assist the
 3 inspector by providing access to all areas of the nail technology salon,
 4 all personnel, and all records requested by the inspector;
 5 (6) The nail technology salon shall display in a conspicuous place
 6 the following records:
 7 (a) The current license or certificate of consideration to operate a
 8 nail technology salon;
 9 (b) The current licenses or registrations of all persons employed by
 10 or working in the nail technology salon; and
 11 (c) The rating sheet from the most recent operation inspection;
 12 (7) At no time shall a nail technology salon employ more employees
 13 than permitted by the square footage requirements of the act; and
 14 (8) The nail technology salon shall not knowingly permit its
 15 employees or clients to use, or consume, serve, or in any manner possess
 16 or distribute intoxicating beverages or controlled substances upon its
 17 premises.
 18 Sec. 3. Original sections 38-1086 and 38-10,142, Reissue Revised
 19 Statutes of Nebraska, are repealed.

LEGISLATIVE BILL 1042. Placed on General File with amendment.
 AM1732

1 1. Strike original section 8.
 2 2. On page 2, line 29, strike ", as set by the board" and show as
 3 stricken.
 4 3. On page 3, line 1; and page 4, lines 10 and 22, strike ", as set
 5 by the board," and show as stricken.
 6 4. On page 7, line 20, strike "rules", show as stricken, and insert
 7 "catalog, handbook, and policies"; and in lines 29 through 31 reinstate
 8 the stricken matter.
 9 5. On page 12, line 24, strike "in Nebraska" and show as stricken.
 10 6. On page 13, line 2, strike "three" and insert "two"; and in line
 11 6 strike "38-10,147,".
 12 7. Renumber the remaining sections accordingly.

(Signed) Merv Riepe, Chairperson

Education

LEGISLATIVE BILL 1103. Placed on General File.

(Signed) Mike Groene, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 409. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 26; Howard, 9; Larson, 40; Quick, 35; Riepe, 12.

PURPOSE: The purpose of this interim study is to examine issues related to the disconnection of territory from the corporate limits of cities of the first class, cities of the second class, and villages. The issues addressed by this interim study shall include a comparison of the statutory authority for the disconnection of property from cities of the first class under section 16-129 of the Nebraska Revised Statutes and cities of the second class and villages under section 17-414 of the Nebraska Revised Statutes.

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

1. That the Urban 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.

LEGISLATIVE RESOLUTION 410. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 26; Howard, 9; Larson, 40; Quick, 35; Riepe, 12.

PURPOSE: The purpose of this interim study is to examine issues related to the municipal regulation of railroads. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of language in Chapters 14 through 19 of the Nebraska Revised Statutes that potentially authorizes municipalities to regulate railroads; and

(2) An examination of relevant case law regarding the preemption of state and local regulation of railroads under the Interstate Commerce Commission Termination Act of 1995 and other federal law.

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

1. That the Urban 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.

LEGISLATIVE RESOLUTION 411. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 26; Howard, 9; Larson, 40; Quick, 35; Riepe, 12.

PURPOSE: The purpose of this resolution is to examine any issues within the jurisdiction of the Urban Affairs Committee of the Legislature that may arise during the interim.

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

1. That the Urban 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.

LEGISLATIVE RESOLUTION 412. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Crawford, 45; Hansen, 26; Howard, 9; Larson, 40; Quick, 35; Riepe, 12.

PURPOSE: The purpose of this interim study is to examine the statutes governing cities of the primary class in Chapter 15 of Nebraska Revised Statutes. The goal of the study shall be to update and modernize statutes through the elimination of obsolete, antiquated, and duplicate statutory language.

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

1. That the Urban 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.

LEGISLATIVE RESOLUTION 413. Introduced by Lindstrom, 18.

PURPOSE: The purpose of this resolution is to study strategies to strengthen Nebraska's workforce and build financial mobility and independence, particularly among working parents with young children. This resolution will examine structural barriers to financial independence in public work support programs. Such barriers exist when income eligibility levels for work supports force Nebraskans to choose between increased wages or hours and a loss of benefits.

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

(1) An examination of current state-funded work supports offered by the Department of Health and Human Services to assist working parents with child care affordability;

(2) Estimates of the cost of raising a family in Nebraska, disaggregated to reflect geography or rurality, family type, and ages of children, to the degree possible;

(3) An analysis of the incongruity between the cost of raising a family and current eligibility levels for state-funded child care assistance to ensure full employment among working parents;

(4) The identification of options available to the state to more effectively leverage federal funding to improve the effectiveness of child care assistance programs in ways that support families attempting to successfully transition off such programs;

(5) Information from the Department of Health and Human Services regarding full utilization of federal funds toward increasing access and quality for child care assistance, including plans for the anticipated increase in Child Care and Development Block Grant (CCDBG) funds for federal fiscal years 2018 and 2019, and the status of unspent federal Temporary Assistance for Needy Family (TANF) funds that are in excess of necessary reserves; and

(6) An examination of policies and regulations that adequately align child care subsidy eligibility levels with the cost of raising a family in other states or jurisdictions.

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 414. Introduced by Erdman, 47; Linehan, 39.

PURPOSE: The purpose of this resolution is to examine the overall impact of the area agencies on aging and their interaction with the Aging and Disability Resource Center (ADRC). Nebraska has eight area agencies on aging across the state that are funded by the Legislature and by Title XX of the federal Social Security Act. There are three ADRC pilot sites that were established pursuant to Legislative Bill 320 adopted in 2015.

The study shall examine the coordination of the area agencies on aging and the pilot sites in both the rural and urban areas of Nebraska to determine if services are duplicative and if funding is necessary.

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 415. Introduced by Hansen, 26.

PURPOSE: The purpose of this resolution is to examine the effectiveness of section 29-901 of the Nebraska Revised Statutes, as relates to the imposition of bail and the requiring of money bonds for misdemeanors and city ordinance violations. The study shall include, but not be limited to, an examination of the following issues:

(1) The current statutory scheme relating to money bonds for all crimes, and particularly minor misdemeanors and violations of city ordinances;

(2) The number of individuals held in local jails on money bonds for misdemeanors;

(3) The costs to counties to detain and house pretrial detainees for misdemeanors;

(4) The feasibility of alternatives to money bonds for misdemeanors and the consequences or risks to public safety of eliminating money bonds;

(5) An examination and consideration of changes that would permit indigent pretrial detainees to avoid unnecessary and costly county jail stays; and

(6) A review of Nebraska statutes to determine changes needed to reform bail for misdemeanors.

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 738. Title read. Considered.

Committee AM1789, found on page 1042, was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 738A. Title read. Considered.

Senator Lindstrom offered the following amendment:

AM2693

1 1. On page 2, line 2, strike "FY2018-19" and insert "FY2019-20".

The Lindstrom amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 845. Title read. Considered.

Committee AM2353, found on page 984, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

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

COMMITTEE REPORT(S)
Nebraska Retirement Systems

LEGISLATIVE BILL 548. Placed on General File with amendment. AM2595 is available in the Bill Room.

(Signed) Mark Kolterman, Chairperson

AMENDMENT(S) - Print in Journal

Senator Friesen filed the following amendment to LB994:

AM2685

(Amendments to Standing Committee amendments, AM2358)

1 1. Strike sections 6, 7, 8, 10, 11, and 12 and insert the following

2 new sections:

3 Sec. 6. Section 77-2704.51, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 77-2704.51 Sales and use taxes shall not be imposed on the gross

6 receipts from the sale, lease, or rental of and the storage, use, or

7 other consumption in this state of:

8 (1) Telecommunications sales of telecommunications service between

9 telecommunications companies, including division of revenue, settlements,

10 or carrier access charges; or -

11 (2) Dark fiber as defined in section 86-574 between

12 telecommunications companies.

13 Sec. 8. Sections 1, 2, 3, 4, 5, 7, and 9 of this act become

14 operative on July 1, 2018. Sections 6 and 10 of this act become operative

15 on October 1, 2018. The other sections become operative on their

16 effective date.

- 17 Sec. 9. Original section 86-579, Reissue Revised Statutes of
 18 Nebraska, is repealed.
 19 Sec. 10. Original section 77-2704.51, Reissue Revised Statutes of
 20 Nebraska, is repealed.
 21 2. On page 2, line 7, after the comma insert "a representative of
 22 health care providers,"; and in line 28 strike "advertised".
 23 3. On page 3, line 1, after "residents" insert "and any effect of
 24 the fund in deterring or delaying capital formation, broadband
 25 competition, and broadband deployment".
 26 4. On page 5, line 15, strike "in" and insert "only for".
 1 5. Renumber the remaining sections accordingly.

Senator Friesen filed the following amendment to LB909:
 AM2647 is available in the Bill Room.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 416. Introduced by McCollister, 20.

PURPOSE: The purpose of this study is to examine which advertising practices should be considered unlawful acts under the Weights and Measures Act in section 89-197. The study shall include, but not be limited to, the following issues:

- (1) What pricing structures are unfair or deceptive practices in the advertising of retail motor fuel;
- (2) From an unfair and deceptive practices perspective, the acts or practices that are likely to result in substantial injury to consumers, cannot be reasonably avoided by consumers, and are not outweighed by countervailing benefits to consumers or to competition;
- (3) What constitutes an act or practice that is deceptive where (a) a representation, omission, or practice misleads or is likely to mislead the consumer, (b) a consumer's interpretation of the representation, omission, or practice is considered reasonable under the circumstances, and (c) the misleading representation, omission, or practice is material; and
- (4) Whether or not certain pricing practices violate other areas of consumer protection laws or regulations.

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 417. Introduced by McCollister, 20.

PURPOSE: The purpose of this interim study is to examine whether inmates in county jails, who are eligible to vote, are being unconstitutionally disenfranchised due to their circumstances.

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

- (1) A review of existing county jail procedures for individuals who wish to exercise their right to vote while incarcerated;
- (2) Potential solutions and the cost to ensure access to the right to vote for the thousands of individuals who are housed in county jails during elections; and
- (3) Other possible alternatives, such as installing ballot drop boxes at county jails or designating some county jails as vote centers during elections.

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.

LEGISLATIVE RESOLUTION 418. Introduced by Howard, 9.

PURPOSE: The purpose of this resolution is to study the disproportionality that exists in Nebraska's foster care and juvenile justice systems. Despite the promise of equal protection under the law, there have been continued racial and ethnic disparities in the foster care and juvenile justice systems for youth of color, especially for youth and families who are Native American, African American, or Latino. Based on population size, there is a significantly disproportionate percentage of youth and families of color involved with the foster care and juvenile justice systems. This interim study shall include, but not be limited to:

- (1) Input from a diverse group of community members of color, including Nebraska's four federally recognized Indian tribes and others whose lives have been affected by the foster care and juvenile justice systems, to create an action plan for reducing disproportionality;
- (2) Assessment of a formal body or task force to lead this work and advise the Legislature, the Department of Health and Human Services, the Office of Probation Administration, and the Office of Juvenile Services on recommended policy and practice reform;
- (3) Assessment of current data limitations, including inconsistencies in data collection, on the race and ethnicity of children and families involved in the foster care and juvenile justice systems;

(4) Determination of needs for reporting from the Department of Health and Human Services, the Office of Probation Administration, and the Office of Juvenile Services to be shared with the Legislature;

(5) Review of specific procedures that may be contributing to the current disproportionality;

(6) Research on racial disproportionality within the context of known risk factors for system involvement, such as household poverty, and protective factors, such as the availability of community-based prevention services; and

(7) Research on model policies that offer a systemic approach to racial disproportionality in the foster care and juvenile justice systems.

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.

LEGISLATIVE RESOLUTION 419. Introduced by Howard, 9.

PURPOSE: The purpose of this study is to examine the term "shaken baby syndrome" as it exists within the Nebraska statutes. Shaken baby syndrome is a term often used by physicians and the public to describe abusive head trauma inflicted on infants and young children. Although the term is well-known and has been used for a number of decades, advances in the understanding of the mechanisms and clinical spectrum of injury associated with abusive head trauma compel us to modify our terminology to keep pace with our understanding of pathologic mechanisms. Although shaking an infant has the potential to cause neurologic injury, blunt impact or a combination of shaking and blunt impact cause injury as well. The use of broad medical terminology that is inclusive of all mechanisms of injury, including shaking, is required. The American Academy of Pediatrics recommends that pediatricians develop skills in the recognition of signs and symptoms of abusive head injury, including those caused by both shaking and blunt impact, consult with pediatric subspecialists when necessary, and embrace a less mechanistic term, "abusive head trauma," when describing an inflicted injury to the head and its contents. This interim study shall include:

(1) A comprehensive review of the Nebraska statutes to identify references to shaken baby syndrome that could be changed to the recommended terminology of abusive head trauma; and

(2) Identifying other similar terms within the accompanying statutes that could be changed to reflect current recommendations.

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 420. Introduced by Riepe, 12; Erdman, 47; Groene, 42; Linehan, 39.

PURPOSE: The purpose of this resolution is to examine possible collaboration between the Department of Health and Human Services and the State Department of Education to address behavioral or mental health issues for Nebraska students. The issues addressed by this study shall include, but not be limited to, the following:

(1) Parameter and effectiveness of "System of Care," a program by the Division of Behavioral Health of the Department of Health and Human Services, which is a framework for designing mental health services and supports for children and youth who have a serious emotional disturbance, and their families, through a collaboration across and involving public and private agencies, families, and youth;

(2) Efforts conducted by school-based centers and school-based providers; and

(3) Mental and behavioral health services provided by educational service units.

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, in consultation with 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 on or before December 31, 2018.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 841. Title read. Considered.

Committee AM2092, found on page 816, was offered.

Senator Ebke offered the amendment, AM2634, found in this day's Journal, to the committee amendment.

The Ebke amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Geist offered the following amendment to the committee amendment:

AM2697

(Amendments to AM2634)

1 1. On page 24, line 31, strike "shall" and insert "may".

SPEAKER SCHEER PRESIDING

Senator Geist withdrew her amendment.

Senator Chambers offered the following motion:

MO302

Recommit to the Judiciary Committee.

SENATOR WILLIAMS PRESIDING

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 421. Introduced by Kolterman, 24.

PURPOSE: The Housing and Recreational Vehicle Department of the Public Service Commission operates programs designed to protect the health and safety of occupants in manufactured homes, modular housing units, and recreational vehicles. The department enforces health and safety and building standards through plan reviews, during inspections at manufacturing facilities and retail lots, and in response to consumer complaints.

This study shall examine:

- (1) The current fees charged by the department for inspections, plan reviews, and other department services and functions;
- (2) The actual cost to the department of conducting inspections, plan reviews, and other department services;
- (3) The total expenses of operating the department; and
- (4) A comparison of costs for similar state and federal programs.

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

1. That the Urban 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.

LEGISLATIVE RESOLUTION 422. Introduced by Kolterman, 24; Howard, 9.

PURPOSE: The purpose of this resolution is to study the issuance and usage of electronic prescriptions in accordance with regulatory standards.

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

- (1) The feasibility of requiring prescribers to use electronic prescriptions;
- (2) Best practices for prescribers and dispensers regarding electronic prescriptions; and
- (3) Any considerations relevant to providing exceptions to a requirement for electronic prescriptions.

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 423. Introduced by Kolterman, 24.

PURPOSE: The purpose of this study is to examine the application of adverse possession in the State of Nebraska and to consider recommendations for modernizing this doctrine to meet contemporary requirements. The study shall include, but not be limited to, an examination of the following issues:

- (1) The frequency with which adverse possession is applied;
- (2) Any modern trends in the use and application of adverse possession;
- (3) Whether payment of property tax should be included as a sixth element required to prove adverse possession;
- (4) Whether the trespasser should be required to pay property taxes on the relevant parcel during all or a portion of the continuous period of use;
- (5) Whether continued and active payment of property taxes on the relevant parcel is an indication that the record owner is aware of ownership and actively maintaining this investment;
- (6) Whether a record owner who in good faith pays all taxes due on his or her property should be compensated for those payments when that parcel is lost to a claim of adverse possession; and

(7) Recommendations for modernizing the doctrine of adverse possession to better serve contemporary applications.

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.

LEGISLATIVE RESOLUTION 424. Introduced by Friesen, 34.

PURPOSE: The purpose of this resolution is to examine a comprehensive list of issues related to the operation of autonomous vehicles in Nebraska. Issues to be examined shall include, but not be limited to:

- (1) Automated vehicle classifications;
- (2) Testing of automated vehicles;
- (3) Automated vehicle registration, titling, and branding;
- (4) Financial responsibility;
- (5) Federal Motor Vehicle Safety Standards;
- (6) The role of a driver and of the passengers or occupants in an autonomous vehicle;
- (7) Operator license requirements for testing and deployment of autonomous vehicles;
- (8) Training for consumers, examiners, driver education instructors, and driver schools;
- (9) Endorsements and restrictions;
- (10) Crash and incident reporting;
- (11) Autonomous vehicle use in criminal activity;
- (12) Distracted driving;
- (13) Establishment of legal responsibility for enforcement actions;
- (14) First responder safety and autonomous vehicle response to emergency vehicles;
- (15) Manual traffic controls and extraordinary road conditions;
- (16) Access to autonomous vehicle electronic data for investigatory purposes;
- (17) Autonomous vehicle identification;
- (18) Autonomous vehicle conformance to the Nebraska Rules of the Road;
- (19) Autonomous commercial motor vehicles;
- (20) Autonomous vehicles operated by transportation network companies;
- (21) Data privacy and security;
- (22) Cybersecurity;
- (23) Highway and other infrastructure utilized by autonomous vehicles;
- (24) Imported and exported autonomous vehicles;
- (25) Autonomous vehicle upfitter regulation; and
- (26) Autonomous vehicle platooning.

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

1. That the Transportation and Telecommunications 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 425. Introduced by Friesen, 34.

PURPOSE: The purpose of this resolution is to investigate and review matters and issues arising during the interim which are within the jurisdiction of the Transportation and Telecommunications 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 Transportation and Telecommunications 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 426. Introduced by Friesen, 34.

PURPOSE: The purpose of this interim study is to examine issues raised by the introduction of Legislative Bill 1031 during the 2018 legislative session and to examine whether the One-Call Notification System Act should be updated. In order to carry out the purpose of this resolution, the study committee should seek the assistance and input of large project developers, parties who were impacted by large project location costs, the board of directors of the statewide one-call notification center, the State Fire Marshal, the Attorney General, members of the underground construction industry, operators of underground utility facilities, and other parties, agencies, or political subdivisions who would be impacted by changes in the One-Call Notification System Act.

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

1. That the Transportation and Telecommunications 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 427. Introduced by Friesen, 34.

PURPOSE: The purpose of this interim study is to investigate transferring the recreational vehicles franchise statutes into a distinct and separate section of law. Currently, Nebraska is the only state that includes recreational vehicles mixed in the same statutes with manufactured homes. Motorhomes, travel trailers, fifth-wheel trailers, park model recreational vehicles, and folding camping trailers are vehicles, not homes or dwellings. Manufactured homes are dwellings. Thus far, eighteen states have adopted a method of centralizing recreational vehicle laws to ensure that the industry and consumers have clarity moving forward.

The study committee shall work in conjunction with interested entities including, but not limited to, the Department of Motor Vehicles, the Nebraska New Car and Truck Dealers Association, recreational vehicle dealers, the Recreational Vehicle Industry Association, manufactured home manufacturers, and any other pertinent parties interested in working toward separating the regulation and franchise of recreational vehicles from the regulation of manufactured homes.

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

1. That the Transportation and Telecommunications 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 428. Introduced by Pansing Brooks, 28.

PURPOSE: The purpose of this interim study is to examine the potential of micro-credentialing in Nebraska, including the potential impact on professional development, demonstrable student outcomes, and salary advancement. This study shall include, but not be limited to:

(1) A review of what other states are doing to integrate micro-credentialing into professional development;

(2) A review of the latest research on micro-credentialing and its potential impact on student outcomes;

(3) An examination of how to ensure the development of rigorous, reputable micro-credentials;

(4) A review of potential barriers to utilizing micro-credentials;

- (5) The potential for micro-credentials to impact salary advancement; and
- (6) A review of the role of the State Department of Education in the development and utilization of micro-credentialing and the potential application in recertification.

Research has shown that teaching quality and school leadership are the most important factors in raising student achievement. For teachers and school and district leaders to be as effective as possible, they need to continually expand their knowledge and skills. Effective professional learning is personalized, self-directed, competency-based, job-embedded, practical, and focused on the skills educators need to address students' major learning challenges. Annually, \$2.6 billion in federal funding is spent on professional development for educators. In addition, school districts spend up to \$18,000 per educator on professional development. Yet only twenty-nine percent of teachers feel that they have the professional development that they need to support student achievement.

More than a decade ago, Linda Darling-Hammond and her colleagues revealed that most professional learning experiences in the United States are not adequately preparing teachers to make changes in their classrooms (Darling-Hammond, Wei, Andree, Richardson, and Orphanos, 2009). Still, the traditional method of professional development has remained largely unchanged and often relies on short, one-size-fits-all workshops without ongoing and job-embedded aspects that support the impact in the classroom. Micro-credentials provide an opportunity for educators to engage in rigorous, self-paced, job-embedded professional learning that is connected to the daily skills teachers need in their classrooms. This new wave in professional learning provides a way for teachers to earn recognition for the skills they acquire through formal and informal learning opportunities, to personalize their professional learning to meet their needs, and to take what they learn and apply it to their classrooms.

Micro-credentials focus on evidence of skills and abilities, not seat time. Teachers select which micro-credential to pursue and identify the specific activities that will support them in developing the competency. Micro-credentials, available on demand, are responsive to teachers' schedules and are sharable as portable currency for professional learning that educators can take with them no matter where they go. A micro-credential is a certification indicating demonstrated competency in a specific skill. Micro-credentials are a natural extension of an educator's professional learning journey. Educators engage in both formal and informal professional learning activities but are rarely recognized for their informal learning. Micro-credentials recognize that informal learning.

Micro-credentials are:

- (1) Competency-based: Micro-credentials allow educators to focus on a discrete skill related to their practice, such as checking for student understanding, and collect the evidence, such as classroom videos or student work, to demonstrate ability in that specific skill;

- (2) On demand: Through an agile online platform that clearly identifies each micro-credential's competency and required evidence, educators can start and continue the process of earning micro-credentials on their own time;

(3) Personalized: Because educators are able to select the micro-credentials they wish to earn, they can create their own professional learning journey aligned to their specific student needs and school-wide instructional goals; and

(4) Shareable: Once educators earn micro-credentials, they can display the digital badges to signal their demonstrated competence wherever their professional journey might take them.

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 429. Introduced by Pansing Brooks, 28.

PURPOSE: In recent years, an increasing number of public schools have arranged to have law enforcement officers serve as school resource officers. School resource officers (SROs) are assigned to and work in the schools, often on a full-time basis. SROs may have daily authority over students, even in situations that have traditionally been seen as everyday disciplinary matters subject to the school code of conduct. SROs may also be regarded as mentors and used as classroom presenters. In some respects, SROs are more than law enforcement, while still maintaining the power and authority of law enforcement officers.

The "school-to-prison pipeline" describes the process by which students are excluded from schools and pushed into the court system, often for non-criminal behaviors. Nationally, the rise of policing in schools is closely linked to an over-reliance on arrest and court processing to respond to normal adolescent behaviors. The purpose of this resolution is to examine the role and purpose of SROs in Nebraska, and whether, and to what extent, the interplay between law enforcement and education is contributing to our burgeoning state juvenile justice system.

The study shall include investigation and consideration of the following:

(1) School district policies regarding the limits and uses of law enforcement authority in schools, including a review of any standard responsibilities or job duties for SROs;

(2) Data relevant to considering whether and how law enforcement authority in Nebraska schools relates to juvenile court involvement, including:

(a) The number of SROs in districts and schools in Nebraska;

(b) The number of students cited or arrested at school or school-sponsored activities by SROs, and the types of charges;

(c) An analysis of SRO-student interactions disaggregated by demographic indicators such as race, ethnicity, gender, grade level, and whether the student has an identified disability; and

(d) The number and severity of charges filed in juvenile court related to school behavior;

(3) National best practices regarding the role of SROs and opportunities for SRO training that is trauma-informed and responsive to adolescent development; and

(4) A review of relevant Nebraska law to determine whether current statutes or statutory interpretation may contribute to the school-to-prison pipeline.

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.

LEGISLATIVE RESOLUTION 430. Introduced by Bolz, 29.

PURPOSE: The purpose of this resolution is to examine the federal Family First Prevention Services Act of 2017 (the Act) and its implementation in Nebraska. The Act was passed by the United States Congress and signed into law by President Trump on February 9, 2018, as part of Division E in the Bipartisan Budget Act of 2018.

The Act represents a significant change in the manner in which the federal government provides funding for services for children and families. The Act redirects federal funds to provide services to keep children safely with their families and out of foster care, and, when foster care is needed, allows federal reimbursement for care in family-based settings and certain residential treatment programs.

Among other things, the Act includes provisions that: (1) Permit federal funding for prevention services for children at risk of entering foster care at the option of the state; (2) limit federal funding to children in foster family homes and qualified residential treatment programs, special treatment settings for pregnant and parenting teens, youth eighteen years and older preparing to transition from foster care to adulthood, and youth who are found to be or are at risk of becoming sex trafficking victims; (3) provide federal investments in evidence-based kinship navigator programs and family reunification services; (4) require states to review foster care licensing standards and compare them to federally identified model licensing standards; (5) require states to track and prevent child maltreatment fatalities; (6) extend John H. Chafee Foster Care Independence Program services to assist former foster youth up to age twenty-three and eligibility for education and training vouchers for such youth up to age

twenty-six; and (7) establish an electronic case-processing system to expedite interstate placement of children.

The study shall examine the status of the implementation of the Act in Nebraska, including changes to the Department of Health and Human Services' state plan, policies, and procedures and whether any changes should be made to current state law in accordance with the Act.

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

1. That the Appropriations 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 431. Introduced by Albrecht, 17.

PURPOSE: The purpose of this study is to:

(1) Analyze and review reimbursement rates for ambulatory surgical centers and outpatient hospitals with respect to the provision of workers' compensation services in Nebraska; and

(2) Analyze and review whether Nebraska's current workers' compensation law properly incentivizes injured workers to, when possible, utilize the most cost-effective care setting between ambulatory surgical centers and outpatient hospitals.

The intent of this study is to:

(1) Determine the effectiveness of current billing and reimbursement methods;

(2) Examine the potential benefits of adding such methods to existing fee schedules for other medical service providers under the Nebraska Workers' Compensation Act; and

(3) Examine potential changes that would properly incentivize cost-effective care treatments.

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 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 432. Introduced by Hansen, 26.

PURPOSE: The purpose of this resolution is to examine issues faced by the two hundred thirty-four thousand renters in Nebraska, who represent thirty-four percent of Nebraska households.

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

- (1) State law and current landlord practices regarding rental deposits and fees and how those fees affect renters;
- (2) Responsibilities of landlords under current law and options available to renters for recourse when rights are violated, including when families are faced with eviction; and
- (3) Other issues faced by renters in Nebraska.

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.

LEGISLATIVE RESOLUTION 433. Introduced by Hansen, 26.

PURPOSE: The purpose of this resolution is to evaluate the availability of affordable housing in Nebraska municipalities, with an emphasis on rental housing. Renters represent thirty-four percent of Nebraska households and typically spend a much higher proportion of their income on housing than homeowners.

This study shall include, but not be limited to:

- (1) A review of existing state and municipal programs that could be used to address the availability of affordable housing;
- (2) An examination of existing and potential solutions to the high proportion of income renters spend on housing; and
- (3) A review of tools used to address the availability of affordable housing in other states.

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

1. That the Urban 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.

LEGISLATIVE RESOLUTION 434. Introduced by Linehan, 39.

PURPOSE: The purpose of this resolution is to study school structure and finance. The study shall include, but not be limited to:

- (1) Research on public school structure in other states;
- (2) Research on how other states pay for K-12 education; and
- (3) Comparison of Nebraska's education benefit packages, including retirement benefits, and the education benefit packages of other states.

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 435. Introduced by McDonnell, 5; Brewer, 43.

PURPOSE: The purpose of this resolution is to review how the Nebraska State Patrol conducts internal affairs investigations into potential civil and criminal violations of its members.

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.

LEGISLATIVE RESOLUTION 436. Introduced by Crawford, 45; Blood, 3; Morfeld, 46.

PURPOSE: The purpose of this resolution is to evaluate the effectiveness of occupational licensing processes in accommodating military spouses and transitioning service members. This includes progress in providing transitioning service members with credit towards occupational licenses based on military training, education, and experience pursuant to Nebraska Revised Statute 38-1,141. The study shall include, but not be limited to, an examination of the following issues:

- (1) The number of transitioning service members who apply to each Department of Health and Human Services licensing board, or to the Department of Health and Human Services where no board exists, for an

occupational license and whether such applicants have military training, education, or experience applied toward their licensure requirements pursuant to Nebraska Revised Statute 38-1,141;

(2) The rate of denial for transitioning service members and military spouses who apply for occupational licenses with each licensing board, or to the Department of Health and Human Services where no board exists, and the reasons for such denials;

(3) The processing time for occupational license applications submitted by transitioning service members and military spouses and the average processing time for all applications for each licensing board, or for the Department of Health and Human Services where no board exists;

(4) Whether the web sites of each licensing board, or of the Department of Health and Human Services where no board exists, prominently display information about accommodations for transitioning service members and military spouses including information on applying military training, education, and experience toward licensure requirements and transferring a license due to relocation;

(5) Whether educational materials are disseminated to help occupational licensing staff improve their understanding of state legislation regarding the application of military training, education, and experience toward licensure and the portability of military spouse licensure;

(6) Whether licensure applications of each licensing board, or of the Department of Health and Human Services where no board exists, include questions that inquire about military status; and

(7) Whether existing laws and processes effectively address the challenges that transitioning service members and military spouses face when applying for occupational licenses upon discharge from military service or relocating to the state.

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 437. Introduced by Hilgers, 21.

PURPOSE: The purpose of this resolution is to fully and comprehensively analyze possible improvements and changes to the standing committee system. The Rules Committee of the Legislature convenes to hear proposed rules submitted by members of the Legislature. The Rules Committee also met during the interim prior to the Second Session of the One Hundred Fifth Legislature and submitted a report to the Legislature regarding its findings. The Rules Committee unanimously voted to conduct an interim study during

2018 to further develop specific proposals for consideration by the One Hundred Sixth Legislature.

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

1. That a select interim committee of the Legislature be designated to carry out the purposes of this resolution. The select interim committee shall be composed of the members of the Rules Committee of the Legislature, the Speaker of the Legislature, and two members of each congressional district selected by the Executive Board of the Legislative Council.

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 438. Introduced by Walz, 15.

PURPOSE: The purpose of this resolution is to examine the benefits of the creation of an educational trust fund. The study shall include, but not be limited to, an examination of the following:

(1) The impact that an educational trust fund would have on limiting the fluctuation of funding through the Tax Equity and Educational Opportunities Support Act (TEEOSA) formula;

(2) The best source of revenue to establish and maintain an educational trust fund;

(3) The effectiveness of management of an educational trust fund by the State Department of Education; and

(4) The effects an educational trust fund would have on school spending and reliance on property taxes.

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 439. Introduced by Walz, 15.

PURPOSE: The purpose of this resolution is to study the ongoing implementation and impact of LB 276 (2014). LB 276 made medicaid reimbursement available for a broader array of services delivered to medicaid-eligible special education students. The study committee shall explore options to create a distribution formula that allows schools to maximize federal medicaid reimbursements and seek reimbursement for

additional services as allowed by federal law. By assessing the impacts to funding mechanisms and exploring innovative opportunities arising from the passage and implementation of LB 276, the study committee shall determine next steps for the Legislature for funding school-related health services through medicaid, thereby providing opportunities to improve overall student health and increase student engagement.

The study shall include, but not be limited to:

(1) Reviewing impacts on school funding mechanisms, including the Medicaid in Public Schools program, state aid pursuant to the Tax Equity and Educational Opportunities Support Act (TEEOSA), funds for the Nebraska Early Development Network, and the reallocation of special education appropriations;

(2) Examining how changes to the cost settlement process and repayments to the Centers for Medicare and Medicaid Services could affect TEEOSA funding;

(3) Examining equity considerations under the current TEEOSA formula, such as the impact of providing medically necessary services and any incentives that exist for school districts to provide and bill for such services;

(4) Determining the fiscal impact on the Nebraska Early Development Network and its funding given the new payment methodology; and

(5) Identifying the possible changes to the flow and allocation of funding from the Medicaid in Public Schools program in an effort to reduce barriers to use.

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 440. Introduced by Kolterman, 24.

PURPOSE: The Nebraska Coalition for Patient Safety (NCPS) was formed as a result of the passage by the Legislature of the Patient Safety Improvement Act in 2005. The purposes of the NCPS are to encourage a culture of safety and quality by providing legal protection for information reported to the NCPS for the purposes of quality improvement and patient safety, to provide for the reporting of aggregate information about occurrences, and to provide for the reporting and sharing of information designed to improve health care delivery systems and reduce adverse health events and near misses in Nebraska. The ultimate goal of the NCPS is to ensure the safety of all individuals who seek health care in Nebraska.

The NCPS has been operating on funds contributed by the Nebraska Medical Association, Nebraska Hospital Association, Nebraska Pharmacists Association, and grants from other entities, such as medical malpractice

companies. No state funds have been allocated to the NCPS, and thus, the NCPS's current ability to support patient safety is limited by its reliance on member fees and grants for financial support.

This study shall examine:

- (1) The current funding mechanisms of the NCPS;
- (2) The work product produced by the NCPS and its value to dues-paying members;
- (3) Strategies and opportunities to provide meaningful data and reports for various health care providers, such as physicians, physician assistants, nurses, occupational therapists, pharmacists, and physical therapists;
- (4) Input from various health care providers regarding what the needs of their profession are in terms of patient safety and how the NCPS could identify and meet those needs with increased funding; and
- (5) A comparison of patient safety organizations in other states, their funding mechanisms, and their identified stakeholders.

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 441. Introduced by Friesen, 34.

PURPOSE: The purpose of this resolution is to study telecommunications services in Nebraska. The study shall include an examination of the following:

- (1) The existing structure of regulations governing telecommunications services within Nebraska;
- (2) Whether existing statutes and regulations relating to local exchange service continue to meet the needs of the state and consumers in light of increased competition for voice telecommunications services and changes in technology;
- (3) The need to update and revise provisions of Nebraska law governing the regulation of telecommunications services providers; and
- (4) Other issues relating to telecommunications in Nebraska.

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

1. That the Transportation and Telecommunications 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 442. Introduced by Stinner, 48.

PURPOSE: The purpose of this resolution is to study the underlying appropriation issues contributing to the financial hardship experienced by rural long-term care providers across the State of Nebraska.

On March 23, 2018, the Lancaster County Court placed twenty-one long-term care facilities into receivership, including nursing homes, assisted-living facilities, and rehabilitation centers owned and operated by Cottonwood Healthcare, commonly known as Skyline. The receiver was appointed after it was discovered that the company did not have the funds available to pay employees for three weeks at the time the receivership was issued.

In recent years, numerous long-term care facilities throughout the state have closed or otherwise fallen into financial hardship, due in part to cost-saving strategies implemented at the state level. The issue has become most pronounced in rural areas of the state and exacerbated by workforce shortages and the cost of regulations.

On January 5, 2018, the Kearney County Health Services Board of Trustees voted to close Hinterlong Living for Seniors and Countryside Living Nursing Home in Minden, effective April 30, 2018, citing insufficient medicaid funding. In March of 2015, Deseret Health Group announced the closing of four skilled nursing homes in Edgar, Lyons, Exeter, and Ainsworth, citing financial unviability of operations. In December of 1997, the city of Mitchell acquired the sole nursing home facility in the city after discovering it was no longer financially viable to remain open as a private healthcare facility.

This study shall examine the adequacy of state appropriations, other related problems, workforce issues, the cost of regulations, and the mechanisms put in place by the state that affect the funding sources for long-term care providers. The interim study shall include the following:

(1) A financial analysis of medicaid provider rates and related payment issues experienced by long-term care providers;

(2) A financial analysis of medicare provider rates, changes in medicaid co-insurance rates, and related payment issues experienced by long-term care providers;

(3) An analysis of the formula used in cost reporting to the Nebraska medicaid program for the transfer of ownership and medicaid reimbursement based upon prior-owner reports, and in the case of a proposed transfer of facility ownership, an analysis of the state's process for investigating the organizational and financial stability and quality of care history of the proposed owner prior to approval of the ownership transfer;

(4) Issues related to medicaid eligibility requirements of residents affecting the maximization of reimbursement and speed of the application process; and

(5) Other issues affecting the financial viability of long-term care providers including, but not limited to, workforce shortages and the cost of regulations.

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

1. That the Appropriations 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 443. Introduced by Wishart, 27.

PURPOSE: The purpose of this resolution is to study the issues surrounding the adoption of a state strategic plan. This study shall include, but not be limited to, an examination of the following issues:

(1) The development of a ten-year strategic plan for the state by the Legislature's Planning Committee;

(2) Goals and guidance for the Planning Committee to develop a ten-year strategic plan for the state;

(3) Potential partner organizations to work in cooperation with to develop a ten-year strategic plan for the state; and

(4) Funding opportunities to assist with the development of a ten-year strategic plan for the State of Nebraska.

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

1. That the Executive Board of the Legislative Council 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 444. Introduced by Wishart, 27.

PURPOSE: The purpose of this resolution is to study the issues surrounding film and media production in Nebraska. This study shall include, but not be limited to, an examination of the following issues:

(1) Funding opportunities for the Nebraska Film Office;

(2) Opportunities for cooperation by the Nebraska Arts Council, the Nebraska Tourism Commission, and the Department of Economic Development to develop strategies to increase film and media production in Nebraska; and

(3) Funding opportunities for an economic development impact study for film and media production in Nebraska.

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

1. That the Appropriations 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 445. Introduced by Wishart, 27.

PURPOSE: The Nebraska Health Care Cash Fund was initially created with a \$50 million endowment for health care programs using the principal and investment income from the Nebraska Tobacco Settlement Trust Fund and the Nebraska Medicaid Intergovernmental Trust Fund. The purpose of this endowment was to create an ongoing funding mechanism for health care in Nebraska.

The purpose of this interim study is to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund. This study shall include:

(1) A review of the annual Nebraska Health Care Cash Fund reports provided by the Department of Health and Human Services;

(2) Input from interested parties regarding the funds necessary to continue using the Nebraska Health Care Cash Fund to pay for health care and related services; and

(3) Recommendations for any statutory or funding changes that the Legislature should make in order to protect the ongoing viability of the Nebraska Health Care Cash Fund.

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

1. That the Appropriations 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 446. Introduced by Pansing Brooks, 28.

PURPOSE: The Legislature has declared that bullying disrupts a school's ability to educate students and threatens public safety by creating an atmosphere in which such behavior can escalate into violence. The Legislature has previously defined bullying to mean any ongoing pattern of physical, verbal, or electronic abuse on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or his or her designee, or at school-sponsored activities or school-sponsored athletic events. The Legislature required each school district to adopt and annually review anti-bullying policies in 2009.

According to studies cited by the state Department of Education, fifteen to twenty-five percent of students in the United States are bullied with some frequency, fifteen to twenty percent report that they bully others with some frequency, and seventy-five percent of students reported that they had experienced some form of bullying during their school years. Bullying tends to peak in transition years, moving from elementary to middle school and middle to high school.

Recent unfortunate instances of bullying based on race, ethnicity, national origin and immigration status and toward LGBTQ students in Nebraska have underscored the need to ensure state policy and individual school district policy are meeting best practices and to ensure schools are proactively meeting their legal obligations to ensure students are not bullied or discriminated against.

The purpose of this resolution is to examine existing best practices for anti-bullying policies and practices in K-12 education and the feasibility of adopting these standards in Nebraska. The issues examined in this study shall include, but not be limited to:

- (1) An exploration of the current anti-bullying laws, policies, and practices in Nebraska schools;
- (2) An exploration of existing best practices to prevent bullying, harassment, and discrimination in public schools; and
- (3) An exploration of any other legal or policy issues related to ensuring Nebraska anti-bullying law and policies are meeting best practices for our schools and our students as appropriate.

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 447. Introduced by Morfeld, 46.

PURPOSE: The purpose of this interim study is to examine security measures to ensure safety in schools, including gun reform, increased use of firearms by qualified school personnel such as school resource officers, additional school resource officers in all middle and high schools, and a list of best practices in threat assessment and prevention and mental health services.

The issues addressed by this interim study shall include, but not be limited to:

- (1) Costs for increased security measures to prevent violence in schools;
- (2) Use of firearms by qualified school personnel;
- (3) The cost to provide school resource officers at every middle and high school;
- (4) Best practices on threat assessment and prevention and mental health services for at-risk students;
- (5) Best practices in other states, including Wisconsin's plan to incorporate an Office of School Safety into the Wisconsin Department of Justice; and
- (6) The need for additional gun reform.

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.

LEGISLATIVE RESOLUTION 448. Introduced by Crawford, 45; Linehan, 39.

PURPOSE: The purpose of this resolution is to conduct a comprehensive review of Nebraska's Medicaid Insurance for Workers with Disabilities (MIWD) eligibility under the Medical Assistance Act. The study shall include, but not be limited to, an examination of the following issues:

- (1) The process of applying for MIWD, participation rates of eligible individuals, eligibility determinations, workforce participation, premiums, and the effect of MIWD participation on Medicaid;
- (2) National best practices relating to the MIWD eligibility under the Medical Assistance Act, including eligibility, workforce participation, and premiums; and
- (3) Whether the services provided for MIWD-eligible individuals could be streamlined and improved by adopting the federal Ticket to Work and Work Incentives Improvement Act of 1999 model.

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 449. Introduced by McDonnell, 5.

PURPOSE: The purpose of this resolution is to examine the jurisdiction of the State Racing Commission and the role of the commission in promoting the best interests of the horse racing industry.

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.

LEGISLATIVE RESOLUTION 450. Introduced by Kolowski, 31.

PURPOSE: Nebraska has great potential for solar energy development. There is a great deal of interest in solar development by communities and individuals. Solar energy development can provide economic benefits and attract new businesses to Nebraska. It is the policy of the state to develop solar energy.

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

(1) Methods of increasing solar development in the state, including programs and policies that benefit public power districts or communities that invest in solar energy;

(2) Issues related to community solar projects, including methods of virtual net metering;

(3) Removing barriers to solar development;

(4) Successful policies and programs in other states; and

(5) Any other issues that will facilitate a full and complete examination of solar energy and solar development in Nebraska.

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

1. That the Natural Resources 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 451. Introduced by Bolz, 29.

PURPOSE: The Nebraska Children's Commission was created as a high-level leadership body to create a statewide strategic plan to provide a broad restructuring of the goals of the child welfare system. The commission is currently scheduled to terminate on June 30, 2019, unless continued by the Legislature.

The purpose of this study is to examine the work of the Nebraska Children's Commission and evaluate the need for the commission's continuation and any revisions to its structure and purpose.

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 452. Introduced by Vargas, 7; Groene, 42.

PURPOSE: The purpose of this resolution is to study alternative teacher certification programs. The study shall include, at a minimum, an examination of the following:

(1) Alternative teacher certification programs and teaching license reciprocity currently available in Nebraska;

(2) Alternative teacher certification programs and teaching license reciprocity available in other states;

(3) Alternative teacher certification programs that may be available online;

(4) The statutory and regulatory environment around alternative teacher certification programs and teaching license reciprocity; and

(5) The role of the Legislature, State Board of Education, State Department of Education, and higher education institutions in ensuring the availability of accelerated teacher certification programs and teaching license reciprocity.

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 453. Introduced by Vargas, 7; Morfeld, 46.

PURPOSE: The purpose of this resolution is to study net neutrality. The study shall include, at a minimum, an examination of the following:

- (1) The general concept, principles, and history of net neutrality;
- (2) Federal legislation, rules, regulations, and resolutions on Internet service providers and Internet privacy protections;
- (3) Legislation, rules, regulations, and resolutions on Internet service providers and Internet privacy protections in Nebraska and other states;
- (4) How Internet service providers protect the privacy of customer information and use customer information;
- (5) The potential effects and impact of discrimination, limitations, restrictions, and prioritization of web sites, applications, and content on the freedom of information, market power, and free speech; and
- (6) Policy recommendations that will protect Nebraska consumers' Internet privacy, freedom of information, and free speech.

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

1. That the Transportation and Telecommunications 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 454. Introduced by Vargas, 7; Lindstrom, 18.

PURPOSE: The purpose of this resolution is to examine taxes and fees on wireless services.

The study shall include, but not be limited to:

- (1) An examination of the role of wireless service taxes and fees as a revenue source in state and local fiscal systems;
- (2) A review of other states' wireless service taxes and fees; and

(3) The economic impact of wireless taxes and fees on Nebraskans.

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

1. That the Revenue 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 455. Introduced by Stinner, 48.

PURPOSE: The purpose of this study is to identify evidence-based best practices for establishing an early warning system to identify and respond to fiscal distress among local political subdivisions.

Local political subdivisions continue to face increasing budgetary stresses due to a variety of factors such as growing liabilities, costly infrastructure repairs, and decreasing aid amid state mandates. In addition to these localized influences on the health of local governments, a changing economy, coupled with outmoded taxing systems as the economy moves more towards services and online sales puts increasing pressure on local political subdivisions.

This study shall focus on evidence-based best practices for identifying the appropriate financial indicators used to adequately signal that a local political subdivision is experiencing or is likely to experience fiscal distress. It shall also be the aim of the study to identify and recommend model policies for the monitoring of fiscal distress and establishing an intervention mechanism for responding to fiscal distress and its risks. The study shall include the following:

(1) An inventory of evidence-based financial indicators used in the identification of financial stressors among local political subdivisions;

(2) An analysis of best practice model policies at the state level which monitor and signal the existence or impending materialization of fiscal distress among local political subdivisions;

(3) An analysis of best practice model policies at the state level which establish early warning and escalating intervention systems to prevent or improve the condition of fiscal distress among local political subdivisions;

(4) Policy recommendations appropriate to the State of Nebraska and its local political subdivisions; and

(5) Other recommendations as appropriate.

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.

AMENDMENT(S) - Print in Journal

Senator Quick filed the following amendment to LB1015:
AM2589

(Amendments to Standing Committee amendments, AM1927)

1 1. On page 3, after line 2, insert the following new subdivisions:
2 "(4)(a) Within twenty-four hours after an employer or workers'
3 compensation insurer has received notice of or has knowledge of a
4 reportable injury other than death, the employer or workers' compensation
5 insurer shall give notice in writing to the employee that the employee
6 has the right to speak with or obtain the services of an attorney
7 regarding the employee's rights with respect to the reportable injury.
8 (b) Within twenty-four hours after an employer or workers'
9 compensation insurer has received notice of or has knowledge of a
10 reportable injury that is a death, the employer or workers' compensation
11 insurer shall give notice in writing to the employee's personal
12 representative that the personal representative has the right to speak
13 with or obtain the services of an attorney regarding the employee's
14 rights with respect to the reportable injury.
15 (c) An employer or a workers' compensation insurer shall make no
16 attempt to discourage an employee or personal representative from
17 speaking with or obtaining the services of an attorney with respect to a
18 reportable injury or proceeding under the Nebraska Workers' Compensation
19 Act."

GENERAL FILE

LEGISLATIVE BILL 1089. Title read. Considered.

Committee AM2049, found on page 727, was offered.

Senator Smith withdrew his amendment, AM2188, found on page 820, to the committee amendment.

Senator Chambers offered the following amendment to the committee amendment:

FA138

Amend AM2049

Page 1, line 17 strike "considered".

The Chambers amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

The committee amendment, as amended, was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 456. Introduced by Vargas, 7; Pansing Brooks, 28.

PURPOSE: The purpose of this resolution is to study the Student Discipline Act. The study shall include, at a minimum, an examination of the following:

- (1) The legislative and legal history of the Student Discipline Act;
- (2) How the Student Discipline Act is implemented by schools and school districts; and
- (3) Recommendations for updates to the Student Discipline Act.

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 457. Introduced by Vargas, 7; Walz, 15; Williams, 36.

PURPOSE: The purpose of this resolution is to study state fiscal resources that exist to support first generation students. The study shall include, at a minimum, an examination of the following:

- (1) State appropriations to higher education institutions in Nebraska and how such funds are used to support first generation students;
- (2) State appropriations to other state agencies or nonprofit organizations that are targeted towards first generations students;
- (3) The economic impact of targeting state fiscal resources to support first generation students; and
- (4) Ways the Legislature can evaluate how state funds are used to support first generation students.

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

1. That the Appropriations 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 458. Introduced by Vargas, 7.

PURPOSE: The purpose of this resolution is to examine the feasibility of developing a process for the preparation and consideration of racial impact statements relating to possible legislation.

The issues examined in this study shall include, but not be limited to:

- (1) The definition or understanding of the term racial impact statement;
- (2) Whether the use of racial impact statements should be limited to a particular category of legislation or whether such statements should be considered for all legislation;
- (3) A determination of which state agency or department should be tasked with the creation of racial impact statements;
- (4) A determination of the effect that a racial impact statement may have on legislation;
- (5) A determination of the fiscal impact that the use of racial impact statements may have; and
- (6) A review and consideration of other states' processes and mechanisms for preparing, creating, and considering racial impact statements.

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

1. That the Executive Board of the Legislative Council 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 459. Introduced by Briese, 41.

PURPOSE: The purpose of this resolution is to create legislation to assure that no person will be discriminated against on the basis of a disability in situations arising under the juvenile code in which he or she faces termination or limitation of his or her parental rights.

The study shall consider the following:

- (1) Whether, when a parent's disability is alleged to have a detrimental impact on a child, the party raising the allegation should bear the burden of proving by clear and convincing evidence that the disability has endangered or will likely endanger the health, safety, or welfare of the child;

(2) If that burden is met, whether the parent with a disability should have the opportunity to demonstrate how the implementation of supportive parenting services will alleviate any concerns that have been raised;

(3) Whether the court may require that supportive parenting services be put in place, with an opportunity to review the need for continuation of such services within a reasonable period of time; and

(4) If a court determines that a disabled person's parental rights, including the right to custody or visitation, should be denied or limited in any manner, whether the court should be required to make specific written findings stating the basis for such a determination and why provision of supportive parenting services is not a reasonable accommodation to prevent such denial or limitation.

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.

LEGISLATIVE RESOLUTION 460. Introduced by Briese, 41.

PURPOSE: The purpose of this resolution is to create legislation to assure that no person will be discriminated against on the basis of a disability when he or she is being considered as an adoptive parent in a public or private adoption or obtaining guardianship or foster parenting status or placement.

The study shall consider the following:

(1) Whether, when a person's disability is alleged to have a potentially detrimental impact on a child, the party raising the allegation should bear the burden of proving by clear and convincing evidence that the disability will likely endanger the health, safety, or welfare of the child;

(2) If that burden is met, whether the person with a disability should have the opportunity to demonstrate how the implementation of supportive parenting services will alleviate any concerns that have been raised;

(3) Whether the court may require that supportive parenting services be put in place, with an opportunity to review the need for continuation of such services within a reasonable period of time; and

(4) If a court determines that a disabled person cannot provide suitable foster care or that his or her status as a foster parent or petition for guardianship or adoption should be denied or limited in any manner, whether the court should be required to make specific written findings stating the basis for such a determination and why provision of supportive parenting services is not a reasonable accommodation to prevent such denial or limitation.

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 461. Introduced by Vargas, 7.

PURPOSE: The purpose of this resolution is to conduct a comprehensive review of the Affordable Housing Trust Fund (AHTF) and make recommendations to support and increase affordable housing funding in Nebraska. The study shall include, but not be limited to, an examination of the following issues:

(1) National best practices relating to state and local affordable housing trust funds;

(2) The ability of AHTF-qualified recipients to effectively address affordable housing needs with existing resources;

(3) An inventory of underutilized funds appropriate for use in the AHTF;

(4) An inventory of potential additional revenue sources appropriate for use in the AHTF;

(5) The identification of affordable housing needs in each congressional district;

(6) The identification of statewide affordable housing issues;

(7) Other strategy recommendations to address the shortage of affordable housing;

(8) The identification of AHTF statutory, regulatory, and programmatic requirements that impede the ability of qualified recipients to effectively address affordable housing needs; and

(9) A review of the Department of Economic Development's system to track the balance in the AHTF.

The study committee shall obtain input from interested parties including the housing advisory committee authorized in section 58-704 and a statewide nonprofit membership organization representing affordable housing developers.

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

1. That the Appropriations 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 462. Introduced by Briese, 41.

PURPOSE: The purpose of this resolution is to examine the possible elimination of various exemptions of goods and exclusions of services under Nebraska's sales and use tax laws. The study shall include, but not be limited to, identifying and evaluating:

- (1) Criteria to consider when evaluating the feasibility of eliminating specific exemptions and exclusions;
- (2) How other states treat goods and services in their sales and use tax base, and specifically, the six states bordering Nebraska;
- (3) The tax expenditures associated with specific Nebraska sales and use tax exemptions and exclusions;
- (4) Historical trends and shifts in the economies of goods and services; and
- (5) Nebraska's current tax structure relative to its reliance on income, sales and use, and property taxes.

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

1. That the Revenue 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 463. Introduced by Groene, 42.

PURPOSE: The purpose of this resolution is to do the following:

- (1) Examine statutes related to augmentation projects in relationship to the Nebraska Cooperative Republican Platte Enhancement (N-CORPE) interlocal project in Lincoln County;
- (2) Examine existing statutes pertaining to integrated management plans and augmentation plans related to ground water; and
- (3) Examine statutes and Nebraska Supreme Court and Nebraska Court of Appeals opinions in reference to the relationship between land ownership and ground water use for augmentation or transfer, including the decisions in *Estermann v. Bose*, 296 Neb. 228 (2017) and *Olson v. Wahoo*, 124 Neb. 802 (1933).

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

1. That the Natural Resources 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 464. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to review public power, including, but not limited to:

- (1) Public power structure;
- (2) The generation and transmission of energy; and
- (3) The Southwest Power Pool, energy markets, and other regional transmission organizations.

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

1. That the Natural Resources 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 465. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to review issues pertaining to funding Nebraska's infrastructure system, including, but not limited to:

- (1) Bond procedures; and
- (2) The motor fuel tax.

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

1. That the Revenue 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 466. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to review the issues pertaining to water quality, including, but not limited to:

- (1) The effect of rising nitrate levels;
- (2) Costs associated with more advanced water treatment; and
- (3) The state's plan regarding declining water quality.

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

1. That the Natural Resources 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 467. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine the Nebraska Juvenile Code, including, but not limited to:

- (1) A review of the delinquency and status offenses;
- (2) A review of neglect cases; and
- (3) A review of all other pertinent statutes related to the juvenile system.

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.

LEGISLATIVE RESOLUTION 468. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to review criminal offenses throughout the Nebraska statutes, including, but not limited to:

- (1) All felony and misdemeanor offenses; and
- (2) All juvenile delinquency and status offenses.

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.

LEGISLATIVE RESOLUTION 469. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine the processes by which state government contracts with small businesses. The issues addressed by this interim study shall include, but not be limited to:

- (1) A review of the state and political subdivision procurement statutes;
- (2) A review of how state agencies conduct bidding for contracts; and
- (3) A review of how political subdivisions conduct bidding for contracts.

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 994. Title read. Considered.

Committee AM2358, found on page 978, was offered.

Senator Friesen offered his amendment, AM2387, found on page 991, to the committee amendment.

The Friesen amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Senator Friesen offered his amendment, AM2685, found in this day's Journal, to the committee amendment.

The Friesen amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 2 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 994A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 2 present and not voting, and 18 excused and not voting.

VISITORS

Visitors to the Chamber were 5 TeenPact Leadership Schools; Ron Witkowski from Lincoln; 42 fourth-grade students from Rockbrook Elementary, Omaha; and 11 members of TeenPact Leadership School of Nebraska.

RECESS

At 5:47 p.m., on a motion by Senator Lindstrom, the Legislature recessed until 6:30 p.m.

AFTER RECESS

The Legislature reconvened at 6:30 p.m., Speaker Scheer presiding.

ROLL CALL

The roll was called and all members were present except Senators Crawford and Stinner who were excused; and Senators Bolz, Krist, Larson, Morfeld, Pansing Brooks, Watermeier, and Wishart who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 731. Title read. Considered.

Committee AM2432, found on page 1045, was offered.

Senator Kolterman offered the following amendment to the committee amendment:

AM2611

(Amendments to Standing Committee amendments, AM2432)

1 1. On page 3, lines 17 and 22, strike "five" and insert "three".

The Kolterman amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Senator Kolterman offered the following amendment to the committee amendment:

AM2381

(Amendments to Standing Committee amendments, AM2432)

1 1. Insert the following new sections:

2 Sec. 67. Sections 67 to 80 of this act shall be known and may be

3 cited as the Surgical Technologist Registry Act.

4 Sec. 68. For purposes of the Surgical Technologist Registry Act,

5 the definitions found in sections 69 to 71 of this act apply.

6 Sec. 69. Board means the Board of Medicine and Surgery.

7 Sec. 70. Department means the Department of Health and Human

8 Services.

9 Sec. 71. Registered surgical technologist means a person registered

10 as a surgical technologist pursuant to the Surgical Technologist Registry

11 Act.

12 Sec. 72. Beginning January 1, 2019, any surgical technologist

13 employed by a facility licensed under the Health Care Facility Licensure

14 Act or by a physician shall register within one hundred eighty days of

15 employment with the Surgical Technologist Registry created pursuant to
16 section 75 of this act.

17 Sec. 73. To register as a surgical technologist, an individual
18 shall:

19 (1) Be at least nineteen years of age;

20 (2) Be a high school graduate or be officially recognized by the
21 State Department of Education as possessing the equivalent degree of
22 education;

23 (3) Be of good moral character;

24 (4) File an application with the department. The application shall
25 include:

26 (a) The applicant's name, address, birth date, and social security
1 number;

2 (b) Documentation of any felony or misdemeanor conviction, along
3 with date of occurrence and county in which the conviction occurred; and

4 (c)(i) Documentation of current certification as a surgical
5 technologist by the State of Nebraska or a national certifying body
6 approved by the board, if the applicant is currently certified;

7 (ii) Documentation of completion of an accredited program in
8 surgical technology accredited by the Commission on Accreditation of
9 Allied Health Education Programs or the Accrediting Bureau of Health
10 Education Schools if the applicant is a graduate of such program; or

11 (iii) Certification of competency assessment completed by a licensed
12 health care professional. The assessment shall include the components
13 listed in section 74 of this act; and

14 (5) Pay the required nonrefundable fee as determined by the
15 department.

16 Sec. 74. A registered surgical technologist may perform tasks and
17 functions including, but not limited to:

18 (1) Preparing the operating suite for the planned surgical
19 procedure, including gathering and opening all equipment supplies and
20 instrumentation, including, but not limited to, sterile dressings and
21 instruments, scrubs, gowns, gloves, medications, and solutions;

22 (2) Creating and maintaining the sterile field through organization
23 and preparation of instruments and supplies, including performance of
24 necessary surgical counts;

25 (3) Gowning and gloving the surgeon and assistants;

26 (4) Providing visualization of the surgical site;

27 (5) Preparing and draping the patient for the surgical procedure;

28 (6) Positioning the patient;

29 (7) Passing instruments, supplies, and equipment to the surgeon and
30 assistants during the procedure while anticipating the needs of the
31 surgical team;

1 (8) Assisting the surgeon as directed in accordance with applicable
2 law;

3 (9) Assisting the circulating nurse as directed in the care of the
4 surgical patient, including appropriate counts prior to the surgical
5 procedure and before the incision is closed;

6 (10) Maintaining sterile technique during the surgical procedure;

7 (11) Assisting other members of the surgical team with cleaning the
8 operating suite, including decontamination of instruments, supplies, and
9 equipment utilized during the surgical procedure; and

10 (12) Assisting in preparing the surgical suite for the next surgical
11 procedure.

12 Sec. 75. The Surgical Technologist Registry is created. The
13 registry shall be used to register surgical technologists beginning
14 January 1, 2019.

15 Sec. 76. The board shall provide supervision and oversight of the
16 Surgical Technologist Registry.

17 Sec. 77. The department shall establish and collect fees for
18 registration under the Surgical Technologist Registry Act.

19 Sec. 78. (1) The department may deny registration or refuse renewal
20 of or remove a registration from the Surgical Technologist Registry for
21 failure to meet the standards or for violation of the Surgical
22 Technologist Registry Act or the rules and regulations.

23 (2) If the department proposes to deny, refuse renewal of, or remove
24 a registration, it shall send the applicant or registrant a notice
25 setting forth the action to be taken and the reasons for the
26 determination. The denial, refusal to renew, or removal shall become
27 final thirty days after mailing the notice unless the applicant or
28 registrant gives written notice to the department of his or her desire
29 for an informal conference or for a formal hearing.

30 (3) Notice may be served by any method specified in section
31 25-505.01, or the department may permit substitute or constructive
1 service as provided in section 25-517.02 when service cannot be made with
2 reasonable diligence by any of the methods specified in section
3 25-505.01.

4 Sec. 79. A person whose registration has been denied, refused
5 renewal, or removed from the Surgical Technologist Registry may reapply
6 for registration or for lifting of the disciplinary sanction at any time
7 after one year has elapsed since the date such registration was denied,
8 refused renewal, or removed from the registry, in accordance with the
9 rules and regulations.

10 Sec. 80. The department shall adopt and promulgate rules and
11 regulations as deemed necessary to implement the Surgical Technologist
12 Registry Act, including, but not limited to, rules and regulations
13 setting minimum standards for competencies listed in section 74 of this
14 act and methods for competency assessment of surgical technologists.

15 Sec. 81. Section 38-2025, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 38-2025 The following classes of persons shall not be construed to
18 be engaged in the unauthorized practice of medicine:

19 (1) Persons rendering gratuitous services in cases of emergency;

20 (2) Persons administering ordinary household remedies;

21 (3) The members of any church practicing its religious tenets,
22 except that they shall not prescribe or administer drugs or medicines,
23 perform surgical or physical operations, nor assume the title of or hold
24 themselves out to be physicians, and such members shall not be exempt

25 from the quarantine laws of this state;
26 (4) Students of medicine who are studying in an accredited school or
27 college of medicine and who gratuitously prescribe for and treat disease
28 under the supervision of a licensed physician;
29 (5) Physicians who serve in the armed forces of the United States or
30 the United States Public Health Service or who are employed by the United
31 States Department of Veterans Affairs or other federal agencies, if their
1 practice is limited to that service or employment;
2 (6) Physicians who are licensed in good standing to practice
3 medicine under the laws of another state when incidentally called into
4 this state or contacted via electronic or other medium for consultation
5 with a physician licensed in this state. For purposes of this
6 subdivision, consultation means evaluating the medical data of the
7 patient as provided by the treating physician and rendering a
8 recommendation to such treating physician as to the method of treatment
9 or analysis of the data. The interpretation of a radiological image by a
10 physician who specializes in radiology is not a consultation;
11 (7) Physicians who are licensed in good standing to practice
12 medicine in another state but who, from such other state, order
13 diagnostic or therapeutic services on an irregular or occasional basis,
14 to be provided to an individual in this state, if such physicians do not
15 maintain and are not furnished for regular use within this state any
16 office or other place for the rendering of professional services or the
17 receipt of calls;
18 (8) Physicians who are licensed in good standing to practice
19 medicine in another state and who, on an irregular and occasional basis,
20 are granted temporary hospital privileges to practice medicine and
21 surgery at a hospital or other medical facility licensed in this state;
22 (9) Persons providing or instructing as to use of braces, prosthetic
23 appliances, crutches, contact lenses, and other lenses and devices
24 prescribed by a physician licensed to practice medicine while working
25 under the direction of such physician;
26 (10) Dentists practicing their profession when licensed and
27 practicing in accordance with the Dentistry Practice Act;
28 (11) Optometrists practicing their profession when licensed and
29 practicing under and in accordance with the Optometry Practice Act;
30 (12) Osteopathic physicians practicing their profession if licensed
31 and practicing under and in accordance with sections 38-2029 to 38-2033;
1 (13) Chiropractors practicing their profession if licensed and
2 practicing under the Chiropractic Practice Act;
3 (14) Podiatrists practicing their profession when licensed and
4 practicing under and in accordance with the Podiatry Practice Act;
5 (15) Psychologists practicing their profession when licensed and
6 practicing under and in accordance with the Psychology Practice Act;
7 (16) Advanced practice registered nurses practicing in their
8 clinical specialty areas when licensed under the Advanced Practice
9 Registered Nurse Practice Act and practicing under and in accordance with
10 their respective practice acts;
11 (17) Surgical first assistants practicing in accordance with the

12 Surgical First Assistant Practice Act;
 13 (18) Persons licensed or certified under the laws of this state to
 14 practice a limited field of the healing art, not specifically named in
 15 this section, when confining themselves strictly to the field for which
 16 they are licensed or certified, not assuming the title of physician,
 17 surgeon, or physician and surgeon, and not professing or holding
 18 themselves out as qualified to prescribe drugs in any form or to perform
 19 operative surgery;
 20 (19) Persons obtaining blood specimens while working under an order
 21 of or protocols and procedures approved by a physician, registered nurse,
 22 or other independent health care practitioner licensed to practice by the
 23 state if the scope of practice of that practitioner permits the
 24 practitioner to obtain blood specimens; ~~and~~
 25 (20) Other trained persons employed by a licensed health care
 26 facility or health care service defined in the Health Care Facility
 27 Licensure Act or clinical laboratory certified pursuant to the federal
 28 Clinical Laboratories Improvement Act of 1967, as amended, or Title XVIII
 29 or XIX of the federal Social Security Act to withdraw human blood for
 30 scientific or medical purposes; and -
 31 (21) A skilled professional or nonprofessional assistant who is
 1 licensed, certified, or registered under a relevant area of practice to
 2 whom assigned tasks by a qualified physician as defined in section
 3 38-1212, in a manner consistent with accepted medical standards and
 4 appropriate to the assistant's skill in the practice area of which he or
 5 she is licensed, certified, or registered.
 6 Any person who has held or applied for a license to practice
 7 medicine and surgery in this state, and such license or application has
 8 been denied or such license has been refused renewal or disciplined by
 9 order of limitation, suspension, or revocation, shall be ineligible for
 10 the exceptions described in subdivisions (5) through (8) of this section
 11 until such license or application is granted or such license is renewed
 12 or reinstated. Every act or practice falling within the practice of
 13 medicine and surgery as defined in section 38-2024 and not specially
 14 excepted in this section shall constitute the practice of medicine and
 15 surgery and may be performed in this state only by those licensed by law
 16 to practice medicine in Nebraska.
 17 2. Renumber the remaining sections and correct internal references
 18 accordingly.
 19 3. Correct the operative date and repealer sections so the sections
 20 inserted by this amendment become operative on their effective date.

Senator Kolterman withdrew his amendment.

The committee amendment, as amended, was adopted with 33 ayes, 0 nays,
 10 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 9 present
 and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 731A. Title read. Considered.

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

LEGISLATIVE BILL 1040. Title read. Considered.

Committee AM1995, found on page 767, was offered.

Pending.

AMENDMENT(S) - Print in Journal

Senator Howard filed the following amendment to LB714:
AM2690

(Amendments to Standing Committee amendments, AM1754)

1 1. Insert the following new sections:

2 Sec. 4. Upon the filing of a petition for emancipation, the court
3 shall fix a time for a hearing on the petition. The hearing shall be held
4 not less than forty-five days and not more than sixty days after the
5 filing of such petition unless any party for good cause shown requests a
6 continuance of the hearing or all parties agree to a continuance.

7 Sec. 5. (1) Upon filing a petition pursuant to section 4 of this
8 act, and at least thirty days prior to the hearing date, the petitioner
9 shall serve a notice of filing, together with a copy of the petition for
10 emancipation and a summons to appear at the hearing, upon:

11 (a) The parents or legal guardian of the minor or, if the parents or
12 legal guardian cannot be found, the nearest known relative of the minor
13 residing within the state, if any; and

14 (b) The legal custodian of the minor, if any.
15 (2) Service and summons shall be made in accordance with section
16 25-505.01.

17 (3) Upon a motion and showing by affidavit that service cannot be
18 made with reasonable diligence by any other method provided by statute,
19 the court may permit service to be made (a) by leaving the process at the
20 defendant's usual place of residence and mailing a copy by first-class
21 mail to the defendant's last-known address, (b) by publication, or (c) by
22 any manner reasonably calculated under the circumstances to provide the
23 party with actual notice of the proceedings and an opportunity to be
24 heard.

25 Sec. 13. Section 25-307, Reissue Revised Statutes of Nebraska, is
26 amended to read:

1 25-307 Except as provided by the Nebraska Probate Code and sections
2 1 to 12 of this act, the action of an infant shall be commenced,
3 maintained, and prosecuted by his or her guardian or next friend. Such
4 actions may be dismissed with or without prejudice by the guardian or
5 next friend only with approval of the court. When the action is commenced
6 by his or her next friend, the court has power to dismiss it, if it is
7 not for the benefit of the infant, or to substitute the guardian of the

8 infant, or any person, as the next friend. Any action taken pursuant to
9 this section shall be binding upon the infant.
10 Sec. 14. Original section 25-307, Reissue Revised Statutes of
11 Nebraska, is repealed.
12 2. On page 1, line 25, strike "and"; and in line 26 after "(8)"
13 insert "That the minor is filing the petition as a free and voluntary
14 act; and
15 (9)".
16 3. On page 4, strike lines 29 through 31 and insert the following
17 new subsection:
18 "(4) Unless otherwise provided in the judgment of emancipation, the
19 judgment of emancipation shall explicitly suspend any order regarding
20 custody, parenting time, or support of the minor and be reported by the
21 district court clerk to the jurisdiction that issued such order.".
22 4. On page 5, strike lines 1 through 5; and strike lines 25 through
23 31 and insert the following new subsections:
24 "(3) Upon the filing of a motion for rescission, the court shall fix
25 a time for a hearing on the motion. The hearing shall be held not less
26 than forty-five days and not more than sixty days after the filing of
27 such motion unless any party for good cause shown requests a continuance
28 of the hearing or all parties agree to a continuance.
29 (4)(a) Upon filing a motion pursuant to subsection 3 of this
30 section, and at least thirty days prior to the hearing date, the movant
31 shall serve a notice of filing, together with a copy of the motion for
1 rescission and a summons to appear at the hearing, upon:
2 (i) The parents or the person who was the legal guardian of the
3 emancipated person or, if the parents or legal guardian cannot be found,
4 the nearest known relative of the emancipated person residing within the
5 state, if any; and
6 (ii) The legal custodian of the emancipated person prior to
7 emancipation, if any.
8 (b) Service and summons shall be made in accordance with section
9 25-505.01.
10 (c) Upon a motion and showing by affidavit that service cannot be
11 made with reasonable diligence by any other method provided by statute,
12 the court may permit service to be made (i) by leaving the process at the
13 defendant's usual place of residence and mailing a copy by first-class
14 mail to the defendant's last-known address, (ii) by publication, or (iii)
15 by any manner reasonably calculated under the circumstances to provide
16 the party with actual notice of the proceedings and an opportunity to be
17 heard.
18 (d)".
19 5. On page 6, after line 21, insert the following new subsection:
20 "(6) If a prior order regarding custody, parenting time, or support
21 of the minor was suspended by the judgment of emancipation, the order
22 rescinding the judgment of emancipation shall be reported by the district
23 court clerk to the jurisdiction that issued such order and shall serve to
24 reinstate such prior order of custody, parenting time, or support."; in
25 line 22 strike "(6)" and insert "(7)"; and in line 25 strike "(7)" and

26 insert "(8)".

27 6. On page 6, strike beginning with line 1 through "(b)" in line 13.

28 7. Renumber the remaining sections and correct internal references
29 accordingly.

GENERAL FILE

LEGISLATIVE BILL 1070. Title read. Considered.

Senator Chambers offered the following amendment:

FA139

Page 3, line 17 strike and show as stricken "less" and insert "fewer"

The Chambers amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 889. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 766. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 717. Title read. Considered.

Senator Krist offered the following motion:

MO303

To suspend the rules, Rule 6, Section 3, and Rule 7, Sections 3 and 7, and vote on the advancement without further amendments, motions, or debate.

Senator Krist withdrew his motion to suspend the rules.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 859. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1000. Title read. Considered.

Committee AM1717, found on page 728, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1003. Title read. Considered.

Committee AM1911, found on page 729, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 983. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 982. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1036. Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 5 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1038. Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 682. Title read. Considered.

Committee AM2321, found on page 927, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 749. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 2 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 786. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1030. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1052. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1110. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 998. Placed on Select File with amendment.

ER149

1 1. On page 1, line 4, after the first semicolon insert "to provide a
2 program termination date;".

LEGISLATIVE BILL 957. Placed on Select File with amendment.

ER148

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 48-125, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:
5 48-125 (1) ~~(1)(a)~~ Except as hereinafter provided, all amounts of
6 compensation payable under the Nebraska Workers' Compensation Act shall
7 be payable periodically in accordance with the methods of payment of
8 wages of the employee at the time of the injury or death or by a method
9 of payment as provided in subsection (2) of this section. Such payments
10 shall be sent directly to the person entitled to compensation or his or
11 her designated representative except as otherwise provided in section
12 48-149 or subsection (2) of this section.
13 (2)(a) After an injury or death subject to the Nebraska Workers'
14 Compensation Act, the employer, workers' compensation insurer, or risk
15 management pool and the employee, other person entitled to compensation,
16 or a legal representative acting on behalf of such employee or other
17 person entitled to compensation may enter into a written or electronic
18 agreement that periodic or lump-sum payments to the employee or other
19 person entitled to compensation may be made by check or by direct
20 deposit, prepaid card, or similar electronic payment system. Payments
21 made by direct deposit, prepaid card, or similar electronic payment
22 system pursuant to this subsection shall not be subject to attachment or
23 garnishment or held liable in any way for any debts, except as provided
24 in section 48-149; and an agreement under this subdivision shall include

25 notice of this fact. Prior to entering into such an agreement for payment
26 by prepaid card, the employer, workers' compensation insurer, or risk
27 management pool shall provide information regarding the locations where
1 such card may be used to the employee or other person entitled to
2 compensation. Such compensation may be transferred by electronic funds
3 transfer or other electronic means to the trust account of an attorney
4 representing the employee or other person entitled to compensation, for
5 the benefit of such employee or other person. The payment or transfer
6 shall include or be accompanied by information sufficient to identify the
7 nature of the payment being made, including the employer, workers'
8 compensation insurer, or risk management pool and the employee or other
9 person entitled to compensation. If an amount is withheld pursuant to
10 section 48-149, sufficient information to identify the jurisdiction, the
11 case number or similar identifying information, and the amount withheld
12 shall be provided to the employee or other person entitled to
13 compensation or his or her legal representative at or near the time of
14 withholding.

15 (b) If an employer, workers' compensation insurer, or risk
16 management pool imposes any fees or other charges relating to payment by
17 direct deposit, prepaid card, or a similar electronic payment system,
18 prior to entering into an agreement pursuant to subdivision (2)(a) of
19 this section the employer, workers' compensation insurer, or risk
20 management pool shall disclose such fees or charges to the employee or
21 other person entitled to compensation.

22 (c) Any payment or transfer made pursuant to subdivision (2)(a) of
23 this section by direct deposit, prepaid card, or similar electronic
24 payment system shall be in the full amount of the lump-sum or periodic
25 payment awarded or paid pursuant to section 48-121 to the employee or
26 other person entitled to compensation.

27 (d) A prepaid card offered by the employer, workers' compensation
28 insurer, or risk management pool shall:

29 (i) Allow the employee or other person entitled to compensation to
30 apply, initiate, transfer, and load payments with no charge by the
31 employer, workers' compensation insurer, or risk management pool;
1 (ii) For the initial prepaid card, be distributed or delivered to
2 the employee or other person entitled to compensation with no charge by
3 the employer, workers' compensation insurer, or risk management pool; and
4 (iii) Provide the employee or other person entitled to compensation,
5 with respect to each payment made to the prepaid card in accordance with
6 this subsection, at least one method of accessing the full payment
7 without fees.

8 (e) An employee, another person entitled to compensation, or a legal
9 representative acting on behalf of such employee or other person entitled
10 to compensation may elect at any time to rescind the agreement under
11 subdivision (2)(a) of this section regarding the method of payment by
12 providing written notice of such rescission to the employer, workers'
13 compensation insurer, or risk management pool that is a party to such
14 agreement. If such election is made, the employer, workers' compensation
15 insurer, or risk management pool shall change the method of payment to

16 the method of payment of wages of the employee at the time of the injury
17 or death under subsection (1) of this section as soon as practicable
18 after receiving the information necessary to do so and in a manner that
19 allows the employer, workers' compensation insurer, or risk management
20 pool to comply with the requirements of subsection (3) of this section
21 without making a delinquent payment. The employer, workers' compensation
22 insurer, or risk management pool is not required to rescind any payment
23 transaction already made or made to comply with subsection (3) of this
24 section.

25 (f) An employer, a workers' compensation insurer, or a risk
26 management pool or an agent of any such entity shall not engage in
27 unfair, deceptive, or abusive practices in relation to the method of
28 payment. No employer, workers' compensation insurer, risk management
29 pool, or agent of any such entity shall discharge, penalize, or in any
30 other manner discriminate against any employee or other person entitled
31 to compensation because such employee or other person has not consented
1 to receive payments by check or by direct deposit, prepaid card, or a
2 similar electronic payment system.

3 (g) An employer, workers' compensation insurer, or risk management
4 pool that elects to make payment using a prepaid card shall comply with
5 the requirements of 12 C.F.R. part 1005, as such part existed on April 1,
6 2018.

7 (3) (b) Fifty percent shall be added for waiting time for all
8 delinquent payments after thirty days' notice has been given of
9 disability or after thirty days from the entry of a final order, award,
10 or judgment of the Nebraska Workers' Compensation Court, except that for
11 any award or judgment against the state in excess of one hundred thousand
12 dollars which must be reviewed by the Legislature as provided in section
13 48-1,102, fifty percent shall be added for waiting time for delinquent
14 payments thirty days after the effective date of the legislative bill
15 appropriating any funds necessary to pay the portion of the award or
16 judgment in excess of one hundred thousand dollars.

17 (4)(a) (2)(a) Whenever the employer refuses payment of compensation
18 or medical payments subject to section 48-120, or when the employer
19 neglects to pay compensation for thirty days after injury or neglects to
20 pay medical payments subject to such section after thirty days' notice
21 has been given of the obligation for medical payments, and proceedings
22 are held before the compensation court, a reasonable attorney's fee shall
23 be allowed the employee by the compensation court in all cases when the
24 employee receives an award. Attorney's fees allowed shall not be deducted
25 from the amounts ordered to be paid for medical services nor shall
26 attorney's fees be charged to the medical providers.

27 (b) If the employer files an appeal from an award of a judge of the
28 compensation court and fails to obtain any reduction in the amount of
29 such award, the Court of Appeals or Supreme Court shall allow the
30 employee a reasonable attorney's fee to be taxed as costs against the
31 employer for such appeal.

1 (c) If the employee files an appeal from an order of a judge of the
2 compensation court denying an award and obtains an award or if the

3 employee files an appeal from an award of a judge of the compensation
4 court when the amount of compensation due is disputed and obtains an
5 increase in the amount of such award, the Court of Appeals or Supreme
6 Court may allow the employee a reasonable attorney's fee to be taxed as
7 costs against the employer for such appeal.

8 (d) A reasonable attorney's fee allowed pursuant to this subsection
9 shall not affect or diminish the amount of the award.

10 ~~(5)~~ ~~(3)~~ When an attorney's fee is allowed pursuant to this section,
11 there shall further be assessed against the employer an amount of
12 interest on the final award obtained, computed from the date compensation
13 was payable, as provided in section 48-119, until the date payment is
14 made by the employer. For any injury occurring prior to August 30, 2015,
15 the interest rate shall be equal to the rate of interest allowed per
16 annum under section 45-104.01, as such rate may from time to time be
17 adjusted by the Legislature. For any injury occurring on or after August
18 30, 2015, the interest rate shall be equal to six percentage points above
19 the bond investment yield, as published by the Secretary of the Treasury
20 of the United States, of the average accepted auction price for the first
21 auction of each annual quarter of the twenty-six-week United States
22 Treasury bills in effect on the date of entry of the judgment. Interest
23 shall apply only to those weekly compensation benefits awarded which have
24 accrued as of the date payment is made by the employer. If the employer
25 pays or tenders payment of compensation, the amount of compensation due
26 is disputed, and the award obtained is greater than the amount paid or
27 tendered by the employer, the assessment of interest shall be determined
28 solely upon the difference between the amount awarded and the amount
29 tendered or paid.

30 (6) For purposes of this section:

31 (a) Direct deposit means the transfer of payments into an account of
1 a financial institution chosen by the employee or other person entitled
2 to compensation; and

3 (b) Prepaid card means a prepaid debit card that provides access to
4 an account with a financial institution established directly or
5 indirectly by the employer, workers' compensation insurer, or risk
6 management pool to which payments are transferred.

7 Sec. 2. Original section 48-125, Revised Statutes Cumulative
8 Supplement, 2016, is repealed.

9 2. On page 1, line 1, after the first "to" insert "the".

LEGISLATIVE BILL 751. Placed on Select File.

LEGISLATIVE BILL 1121. Placed on Select File with amendment.
ER153

1 1. On page 1, line 4, after the last semicolon insert "to provide
2 severability;".

LEGISLATIVE BILL 1121A. Placed on Select File.

LEGISLATIVE BILL 497. Placed on Select File.

LEGISLATIVE BILL 629. Placed on Select File.

LEGISLATIVE BILL 799. Placed on Select File.

LEGISLATIVE BILL 812. Placed on Select File.

LEGISLATIVE BILL 815. Placed on Select File with amendment.

ER150

1 1. On page 16, line 22, strike "48-416.06" and insert "44-416.06".

LEGISLATIVE BILL 733. Placed on Select File.

LEGISLATIVE BILL 848. Placed on Select File.

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Pansing Brooks filed the following amendment to LB1132:
AM2707

(Amendments to E and R amendments, ER139)

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 28-902, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 28-902 (1) Except as provided in subsection (2) of this section,
6 every health care provider ~~Every person engaged in the practice of~~
7 ~~medicine and surgery, or who is in charge of any emergency room or first-~~
8 ~~aid station in this state,~~ shall immediately report to law enforcement
9 every case, in which the health care provider he is consulted for medical
10 care for physical treatment or treats a wound or injury of violence which
11 appears to have been received in connection with, or as a result of, the
12 commission of a criminal offense, immediately to the chief of police of
13 the municipality or to the sheriff of the county wherein the consultation
14 or treatment occurs. Such report shall include the name of the victim
15 such person, the residence, if ascertainable, and a brief description of
16 the victim's physical injury, and, if ascertainable, the victim's
17 residential address and the location of the offense injury. Any other
18 ~~provision of law or rule of evidence relative to confidential~~
19 ~~communications is suspended insofar as compliance with the provisions of~~
20 ~~this section is are concerned.~~
21 (2) When a health care provider is consulted for medical care for
22 physical injury which reasonably appears to have been received in
23 connection with, or as a result of, the commission of an actual or
24 attempted sexual assault and the victim was eighteen years of age or
25 older at the time of such actual or attempted sexual assault, the health
26 care provider shall:
1 (a) Provide the victim with information detailing the reporting
2 options available under subdivision (2)(b) of this section;
3 (b) Ask the victim either:
4 (i) To provide written consent to report such actual or attempted
5 sexual assault as provided in subsection (1) of this section. If the
6 victim provides such written consent, the health care provider shall make

7 the report required by subsection (1) of this section and submit to law
8 enforcement a sexual assault evidence collection kit if one has been
9 obtained; or
10 (ii) To sign a written acknowledgment that such actual or attempted
11 sexual assault will not be reported except as provided in subdivision (2)
12 (c) or subsection (3) of this section, but that the health care provider
13 will submit to law enforcement a sexual assault evidence collection kit,
14 if one has been obtained, using an anonymous reporting protocol. A health
15 care provider may use the anonymous reporting protocol developed by the
16 Attorney General under section 4 of this act or may use a different
17 anonymous reporting protocol;
18 (c) Regardless of the victim's decision under subdivision (2)(b) of
19 this section, if the victim is suffering from a serious bodily injury, or
20 any bodily injury where a deadly weapon was used to inflict such injury,
21 which appears to have been received in connection with, or as a result
22 of, the commission of an actual or attempted sexual assault, the health
23 care provider shall report such injury to law enforcement as provided in
24 subsection (1) of this section; and
25 (d) Unless declined by the victim, refer him or her to an advocate.
26 (3) When a health care provider is consulted for medical care for
27 physical injury which reasonably appears to have been received in
28 connection with, or as a result of, the commission of an actual or
29 attempted sexual assault, the health care provider shall, regardless of
30 the victim's age or the victim's decision under subdivision (2)(b) of
31 this section, provide law enforcement with a sexual assault evidence
1 collection kit if one has been obtained.
2 (4) A law enforcement agency receiving a sexual assault evidence
3 collection kit under this section shall preserve such kit for twenty
4 years after the date of receipt or as otherwise ordered by a court.
5 (5) Any health care provider who knowingly fails to make any report
6 required by subsection (1) of this section is guilty of a Class III
7 misdemeanor. If multiple health care providers are involved in the
8 consultation of a person in a given occurrence, this section does not
9 require each health care provider to make a separate report, so long as
10 one of such health care providers makes the report required by this
11 section.
12 (6) For purposes of this section:
13 (a) Advocate has the same meaning as in section 29-4302;
14 (b) Anonymous reporting protocol means a reporting protocol that
15 allows the identity of the victim, his or her personal or identifying
16 information, and the details of the sexual assault or attempted sexual
17 assault to remain confidential and undisclosed by the health care
18 provider, other than submission to law enforcement of any sexual assault
19 evidence collection kit, unless and until the victim consents to the
20 release of such information;
21 (c) Health care provider means any of the following individuals who
22 are licensed, certified, or registered to perform specified health
23 services consistent with state law: A physician, physician assistant,
24 nurse, or advanced practice registered nurse;

25 (d) Law enforcement means a law enforcement agency in the county in
26 which the consultation occurred; and
27 (e) Victim means the person seeking medical care.
28 ~~(2) Any person who fails to make the report required by subsection~~
29 ~~(1) of this section commits a Class III misdemeanor.~~
30 Sec. 2. (1) For purposes of this section:
31 (a) Prostitution-related offense includes:
1 (i) Prostitution under section 28-801, solicitation of prostitution
2 under section 28-801.01, keeping a place of prostitution under section
3 28-804, public indecency under section 28-806, or loitering for the
4 purpose of engaging in prostitution or related or similar offenses under
5 local ordinances; and
6 (ii) Attempt, conspiracy, solicitation, being an accessory to,
7 aiding and abetting, aiding the consummation of, or compounding a felony
8 with any of the offenses in subdivision (1)(a) of this section as the
9 underlying offense;
10 (b) Trafficker means a person who engages in sex trafficking or sex
11 trafficking of a minor as defined in section 28-830; and
12 (c) Victim of sex trafficking means a person subjected to sex
13 trafficking or sex trafficking of a minor, as those terms are defined in
14 section 28-830.
15 (2) At any time following the completion of sentence or disposition,
16 a victim of sex trafficking convicted in county or district court of, or
17 adjudicated in a juvenile court for, (a) a prostitution-related offense
18 committed while the movant was a victim of sex trafficking or proximately
19 caused by the movant's status as a victim of sex trafficking or (b) any
20 other offense committed as a direct result of, or proximately caused by,
21 the movant's status as a victim of sex trafficking, may file a motion to
22 set aside such conviction or adjudication. The motion shall be filed in
23 the county, district, or separate juvenile court of the county in which
24 the movant was convicted or adjudicated.
25 (3)(a) If the court finds that the movant was a victim of sex
26 trafficking at the time of the prostitution-related offense or finds that
27 the movant's participation in the prostitution-related offense was
28 proximately caused by the movant's status as a victim of sex trafficking,
29 the court shall grant the motion to set aside a conviction or
30 adjudication for such prostitution-related offense.
31 (b) If the court finds that the movant's participation in an offense
1 other than a prostitution-related offense was a direct result of or
2 proximately caused by the movant's status as a victim of sex trafficking,
3 the court shall grant the motion to set aside a conviction or
4 adjudication for such offense.
5 (4) Official documentation of a movant's status as a victim of sex
6 trafficking at the time of the prostitution-related offense or other
7 offense shall create a rebuttable presumption that the movant was a
8 victim of sex trafficking at the time of the prostitution-related offense
9 or other offense. Such official documentation shall not be required to
10 obtain relief under this section. Such official documentation includes:
11 (a) A copy of an official record, certification, or eligibility

12 letter from a federal, state, tribal, or local proceeding, including an
13 approval notice or an enforcement certification generated from a federal
14 immigration proceeding, that shows that the movant is a victim of sex
15 trafficking; or
16 (b) An affidavit or sworn testimony from an attorney, a member of
17 the clergy, a medical professional, a trained professional staff member
18 of a victim services organization, or other professional from whom the
19 movant has sought legal counsel or other assistance in addressing the
20 trauma associated with being a victim of sex trafficking.
21 (5) In considering whether the movant is a victim of sex
22 trafficking, the court may consider any other evidence the court
23 determines is of sufficient credibility and probative value, including an
24 affidavit or sworn testimony. Examples of such evidence include, but are
25 not limited to:
26 (a) Branding or other tattoos on the movant that identified him or
27 her as having a trafficker;
28 (b) Testimony or affidavits from those with firsthand knowledge of
29 the movant's involvement in the commercial sex trade such as solicitors
30 of commercial sex, family members, hotel workers, and other individuals
31 trafficked by the same individual or group of individuals who trafficked
1 the movant;
2 (c) Financial records showing profits from the commercial sex trade,
3 such as records of hotel stays, employment at indoor venues such as
4 massage parlors, bottle clubs, or strip clubs, or employment at an escort
5 service;
6 (d) Internet listings, print advertisements, or business cards used
7 to promote the movant for commercial sex; or
8 (e) Email, text, or voicemail records between the movant, the
9 trafficker, or solicitors of sex that reveal aspects of the sex trade
10 such as behavior patterns, meeting times, or payments or examples of the
11 trafficker exerting force, fraud, or coercion over the movant.
12 (6) Upon request of a movant, any hearing relating to the motion
13 shall be conducted in camera. The rules of evidence shall not apply at
14 any hearing relating to the motion.
15 (7) An order setting aside a conviction or adjudication under this
16 section shall have the same effect as an order setting aside a conviction
17 as provided in subsections (4) and (5) of section 29-2264.
18 Sec. 3. Section 29-3523, Reissue Revised Statutes of Nebraska, is
19 amended to read:
20 29-3523 (1) After the expiration of the periods described in
21 subsection (3) of this section or after the granting of a motion under
22 subsection (4), (5), or (6) of this section, a criminal justice agency
23 shall respond to a public inquiry in the same manner as if there were no
24 criminal history record information and criminal history record
25 information shall not be disseminated to any person other than a criminal
26 justice agency, except as provided in subsection (2) of this section or
27 when the subject of the record:
28 (a) Is currently the subject of prosecution or correctional control
29 as the result of a separate arrest;

30 (b) Is currently an announced candidate for or holder of public
31 office;

1 (c) Has made a notarized request for the release of such record to a
2 specific person; or

3 (d) Is kept unidentified, and the record is used for purposes of
4 surveying or summarizing individual or collective law enforcement agency
5 activity or practices, or the dissemination is requested consisting only
6 of release of criminal history record information showing (i) dates of
7 arrests, (ii) reasons for arrests, and (iii) the nature of the
8 dispositions including, but not limited to, reasons for not prosecuting
9 the case or cases.

10 (2) That part of criminal history record information described in
11 subsection (7) (4) of this section may be disseminated to individuals and
12 agencies for the express purpose of research, evaluative, or statistical
13 activities pursuant to an agreement with a criminal justice agency that
14 specifically authorizes access to the information, limits the use of the
15 information to research, evaluative, or statistical activities, and
16 ensures the confidentiality and security of the information.

17 (3) Except as provided in subsections (1) and (2) of this section,
18 in the case of an arrest, citation in lieu of arrest, or referral for
19 prosecution without citation, all criminal history record information
20 relating to the case shall be removed from the public record as follows:

21 (a) When no charges are filed as a result of the determination of
22 the prosecuting attorney, the criminal history record information shall
23 not be part of the public record after one year from the date of arrest,
24 citation in lieu of arrest, or referral for prosecution without citation;

25 (b) When charges are not filed as a result of a completed diversion,
26 the criminal history record information shall not be part of the public
27 record after two years from the date of arrest, citation in lieu of
28 arrest, or referral for prosecution without citation; and

29 (c) When charges are filed, but the case is dismissed by the court
30 (i) on motion of the prosecuting attorney, (ii) as a result of a hearing
31 not the subject of a pending appeal, (iii) after acquittal, or (iv) after
1 completion of a program prescribed by a drug court or any other problem
2 solving court approved by the Supreme Court, the criminal history record
3 information shall not be part of the public record immediately upon
4 notification of a criminal justice agency after acquittal pursuant to
5 subdivision (3)(c)(iii) of this section or after the entry of an order
6 dismissing the case.

7 (4) Upon the granting of a motion to set aside a conviction or
8 adjudication pursuant to section 2 of this act, a person who is a victim
9 of sex trafficking, as defined in section 2 of this act, may file a
10 motion with the sentencing court for an order to seal the criminal
11 history record information related to such conviction or adjudication.
12 Upon a finding that a court issued an order setting aside such conviction
13 or adjudication pursuant to section 2 of this act, the sentencing court
14 shall grant the motion and:

15 (a) For a conviction, issue an order as provided in subsection (7)
16 of this section; or

17 (b) For an adjudication, issue an order as provided in section
18 43-2,108.05.

19 (5) Any person who has received a pardon may file a motion with the
20 sentencing court for an order to seal the criminal history record
21 information and any cases related to such charges or conviction. Upon a
22 finding that the person received a pardon, the court shall grant the
23 motion and issue an order as provided in subsection (7) of this section.

24 (6) Any person who is subject to a record which resulted in a case
25 being dismissed prior to January 1, 2017, as described in subdivision (3)
26 (c) of this section, may file a motion with the court in which the case
27 was filed to enter an order pursuant to subsection (7) of this section.
28 Upon a finding that the case was dismissed for any reason described in
29 subdivision (3)(c) of this section, the court shall grant the motion and
30 enter an order as provided in subsection (7) of this section.

31 (7) (4) Upon acquittal, ~~or~~ entry of an order dismissing a case
1 described in subdivision (3)(c) of this section, or after granting a
2 motion under subsection (4), (5), or (6) of this section, the court
3 shall:

4 (a) Order that all records, including any information or other data
5 concerning any proceedings relating to the case, including the arrest,
6 taking into custody, petition, complaint, indictment, information, trial,
7 hearing, adjudication, correctional supervision, dismissal, or other
8 disposition or sentence, are not part of the public record and shall not
9 be disseminated to persons other than criminal justice agencies, except
10 as provided in subsection (1) or (2) of this section;

11 (b) Send notice of the order (i) to the Nebraska Commission on Law
12 Enforcement and Criminal Justice, (ii) to the Nebraska State Patrol, and
13 (iii) to law enforcement agencies, county attorneys, and city attorneys
14 referenced in the court record;

15 (c) Order all parties notified under subdivision (7)(b) (4)(b) of
16 this section to seal all records pertaining to the case; and

17 (d) If the case was transferred from one court to another, send
18 notice of the order to seal the record to the transferring court.

19 (8) (5) In any application for employment, bonding, license,
20 education, or other right or privilege, any appearance as a witness, or
21 any other public inquiry, a person cannot be questioned with respect to
22 any offense for which the record is sealed. If an inquiry is made in
23 violation of this subsection, the person may respond as if the offense
24 never occurred.

25 (9) (6) Any person arrested due to the error of a law enforcement
26 agency may file a petition with the district court for an order to
27 expunge the criminal history record information related to such error.
28 The petition shall be filed in the district court of the county in which
29 the petitioner was arrested. The county attorney shall be named as the
30 respondent and shall be served with a copy of the petition. The court may
31 grant the petition and issue an order to expunge such information if the
1 petitioner shows by clear and convincing evidence that the arrest was due
2 to error by the arresting law enforcement agency.

3 (10) The changes made by this legislative bill to the relief set

4 forth in this section shall apply to all persons otherwise eligible in
 5 accordance with the provisions of this section, whether arrested, cited
 6 in lieu of arrest, referred for prosecution without citation, charged,
 7 convicted, or adjudicated prior to, on, or subsequent to the effective
 8 date of this act.

9 Sec. 4. On or before July 1, 2019, the Attorney General shall
 10 develop and distribute a statewide model anonymous reporting protocol for
 11 use by health care providers as provided in section 28-902. Once
 12 developed, the statewide model anonymous reporting protocol shall be
 13 maintained by the Nebraska Commission on Law Enforcement and Criminal
 14 Justice.

15 Sec. 5. Original sections 28-902 and 29-3523, Reissue Revised
 16 Statutes of Nebraska, are repealed.

Senator Harr filed the following amendment to LB909:

AM2687

(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 (1) a stopped authorized
 8 emergency vehicle using flashing or rotating lights as provided in
 9 section 60-6,231 or (2) a vehicle operated by a towing or vehicle
 10 recovery service, a Nebraska State Patrol motorist assistance vehicle, a
 11 publicly or privately owned utility maintenance vehicle, a highway
 12 maintenance vehicle, or a vehicle operated by a solid waste or recycling
 13 collection service, which is stopped and displaying strobe or flashing
 14 red, yellow, or amber lights, shall, unless otherwise directed by a law
 15 enforcement officer, proceed with due care and caution and:

16 (1) Reduce speed to a reasonable speed below the posted speed limit,
 17 move into another lane that is at least one moving lane apart from the
 18 stopped vehicle if possible under existing traffic and safety conditions,
 19 and be prepared to stop; or
 20 (2) If such a lane change is impossible, unsafe, or prohibited by
 21 law, reduce speed to a reasonable speed below the posted speed limit and
 22 be prepared to stop.

23 2. Renumber the remaining sections, correct internal references, and
 24 correct the repealer accordingly.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Brewer name added to LB909.

Senator Bolz name added to LB998.

VISITORS

The Doctor of the Day was Dr. Jason Bepalec from Geneva.

ADJOURNMENT

At 9:34 p.m., on a motion by Senator Pansing Brooks, the Legislature adjourned until 9:00 a.m., Wednesday, March 28, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

