

FIFTY-SIXTH DAY - APRIL 6, 2018
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION
FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 6, 2018

PRAYER

The prayer was offered by Pastor Sarah Cordray, Luther Memorial Church, Syracuse.

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 Hansen, Morfeld, Murante, Stinner, Vargas, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 5, 2018, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Frohman, Ann
National Association of Public Insurance Adjusters
Joekel, Tiffany
Women's Fund of Greater Omaha, Inc.
Pollock, Andy
Wilkinson Development, Inc.
Sanford, Robert A.
Nebraska Domestic Violence Sexual Assault Coalition

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:

<http://www.nebraskalegislature.gov/agencies/view.php>

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB741 with 34 ayes, 3 nays, 5 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 741. With Emergency Clause.

A BILL FOR AN ACT relating to the Real Property Appraiser Act; to amend sections 76-2201, 76-2202, 76-2203, 76-2205.02, 76-2207.01, 76-2207.02, 76-2207.03, 76-2207.04, 76-2207.05, 76-2207.06, 76-2207.07, 76-2207.08, 76-2207.09, 76-2207.10, 76-2207.11, 76-2207.12, 76-2207.13, 76-2207.14, 76-2207.15, 76-2207.16, 76-2215, 76-2216.02, 76-2218.02, 76-2219.01, 76-2220, 76-2221, 76-2222, 76-2227, 76-2233, 76-2233.03, 76-2236, 76-2236.01, 76-2238, 76-2245, 76-2246, and 76-2247.01, Revised Statutes Cumulative Supplement, 2016; to change intent; to define and redefine terms; to eliminate provisions relating to real property associates; to change provisions relating to the Real Property Appraiser Board, credentials, reciprocity, continuing education, and disciplinary action; to harmonize provisions; to repeal the original sections; to outright repeal sections 76-2216.01 and 76-2227.01, Revised Statutes Cumulative Supplement, 2016; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Morfeld Murante Stinner Vargas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 760. With Emergency Clause.

A BILL FOR AN ACT relating to the Volunteer Emergency Responders Incentive Act; to amend sections 77-3101, 77-3102, 77-3103, 77-3104, and 77-3105, Revised Statutes Cumulative Supplement, 2016; to add volunteer departments that serve counties to the act; to provide for retroactive applicability; to provide duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Morfeld Murante Vargas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB903 with 39 ayes, 3 nays, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 903. With Emergency Clause.

A BILL FOR AN ACT relating to aging services; to amend sections 81-2225, 81-2237, 81-2238, 81-2239, 81-2242, 81-2243, 81-2244, 81-2245, 81-2246, 81-2247, 81-2248, 81-2250, 81-2251, 81-2252, 81-2253, 81-2254, 81-2255, 81-2258, 81-2259, 81-2260, 81-2261, 81-2262, and 81-2264, Reissue Revised Statutes of Nebraska; to change reimbursement provisions under the Nebraska Community Aging Services Act; to change provisions of the Long-Term Care Ombudsman Act relating to complaints and investigations, rulemaking authority, long-term care facility residents, resident representatives, and access to medical and personal records; to define and redefine terms; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Morfeld Murante Vargas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB909 with 39 ayes, 2 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 909. With Emergency Clause.

A BILL FOR AN ACT relating to transportation; to amend sections 28-1204.04, 37-1280, 37-1285, 37-1293, 60-104, 60-119, 60-129, 60-133, 60-142.04, 60-142.05, 60-142.06, 60-174, 60-191, 60-309, 60-335, 60-348, 60-354, 60-378, 60-389, 60-3,185, 60-4,128, 60-4,130.04, 60-6,244, 60-6,254, 60-6,255, 60-6,263, 60-6,279, 60-6,306, 60-6,307, 60-6,308, 60-6,313, and 69-2441, Reissue Revised Statutes of Nebraska, sections 60-104.01, 60-124, 60-146, 60-148, 60-168.01, 60-169, 60-171, 60-173, 60-175, 60-309.01, 60-316, 60-340, 60-3,100, 60-3,113.02, 60-3,113.03, 60-3,143, 60-3,147, 60-3,148, 60-3,187, 60-3,190, 60-3,221, 60-3,228, 60-462, 60-463.02, 60-480, 60-484, 60-4,122, 60-4,123, 60-4,123.01, 60-4,124, 60-4,127, 60-4,131, 60-4,131.01, 60-4,132, 60-4,182, 60-601, 60-610.01, 60-639, 60-640, 60-6,226, 60-1401, 60-1401.02, 60-1401.28, and 60-1401.42, Revised Statutes Cumulative Supplement, 2016, sections 37-1285.01, 60-101, 60-102, 60-119.01, 60-149, 60-164, 60-164.01, 60-192, 60-301, 60-302, 60-336.01, 60-363, 60-386, 60-395, 60-3,104, 60-3,113.04, 60-3,193.01, 60-3,229, 60-462.01, 60-479.01, 60-4,147.02, 60-501, 60-628.01, 60-6,267, 60-6,294, 60-6,298, 60-1507, 75-363, 75-364, 75-366, 75-369.03, 75-392, and 75-393, Revised Statutes Supplement, 2017, section 37-1283, Revised Statutes Supplement, 2017, as amended by section 75, Legislative Bill 193, One Hundred Fifth Legislature, Second Session, 2018, and section 60-166, Revised Statutes Supplement, 2017, as amended by section 87, Legislative Bill 193, One Hundred Fifth Legislature, Second Session, 2018, and section 2, Legislative Bill 275, One Hundred Fifth Legislature, Second Session, 2018; to change provisions relating to the Motor Vehicle Certificate of Title Act, the Motor Vehicle Industry Regulation Act, the Motor Vehicle Operator's License Act, the Motor Vehicle Registration Act, the Motor Vehicle Safety Responsibility Act, the Nebraska Rules of the Road, the State Boat Act, motor carriers, and hazardous materials regulations; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Morfeld Murante Vargas

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 940. With Emergency Clause.

A BILL FOR AN ACT relating to the Civic and Community Center Financing Act; to amend sections 13-2703, 13-2704.01, and 13-2707, Revised Statutes Cumulative Supplement, 2016, and section 13-2705, Revised Statutes Supplement, 2017; to redefine terms; to expand the use of the Civic and Community Center Financing Fund; to change grant request limits as prescribed; to provide a restriction on the sale of certain municipally owned centers; to provide priority for certain grant applications as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Morfeld

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 940A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 940, One Hundred Fifth Legislature, Second Session, 2018; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Morfeld

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Motion to LB1008

Senator Larson withdrew his motion, MO304, found on page 1282, to recommit to the Natural Resources Committee, to LB1008.

WITHDRAW - Amendment to LB1008

Senator Larson withdrew his amendment, FA140, found on page 1282, to LB1008.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1008 with 41 ayes, 3 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1008. With Emergency Clause.

A BILL FOR AN ACT relating to law; to amend sections 37-613 and 57-904, Reissue Revised Statutes of Nebraska, and sections 70-1015 and 81-15,160, Revised Statutes Cumulative Supplement, 2016; to change amounts of certain liquidated damages under the Game Law; to change the compensation of members of the Nebraska Oil and Gas Conservation Commission; to authorize the withholding of certain competitive or proprietary information relating to public power; to change provisions relating to privately developed renewable energy generation facilities; to change a date relating to grants for certain scrap tire projects; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Albrecht	Crawford	Hilgers	McCollister	Stinner
Baker	Ebke	Hilkemann	McDonnell	Thibodeau
Blood	Erdman	Howard	Murante	Vargas
Bolz	Friesen	Hughes	Pansing Brooks	Walz
Bostelman	Geist	Kolterman	Quick	Williams
Brasch	Groene	Krist	Riepe	Wishart
Brewer	Halloran	Kuehn	Scheer	
Briese	Hansen	Lindstrom	Schumacher	
Chambers	Harr	Linehan	Smith	

Voting in the negative, 4:

Clements	Larson	Watermeier	Wayne
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Present and not voting, 2:

Kolowski	Lowe
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Excused and not voting, 1:

Morfeld

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1091. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Supplement, 2017; to update references to the Internal Revenue Code; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Morfeld

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 741, 760, 903, 909, 940, 940A, 1008, and 1091.

SELECT FILE

LEGISLATIVE BILL 841. ER171, found on page 1392, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 776. ER147, found on page 1195, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 738. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 738A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1040. ER167, found on page 1367, was adopted.

Senator Krist requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Albrecht	Crawford	Hilkemann	McCollister	Thibodeau
Blood	Ebke	Kolterman	McDonnell	Walz
Bostelman	Erdman	Kuehn	Murante	Watermeier
Brasch	Geist	Larson	Quick	Williams
Brewer	Groene	Lindstrom	Riepe	Wishart
Briese	Halloran	Linehan	Scheer	
Clements	Hilgers	Lowe	Schumacher	

Voting in the negative, 3:

Baker	Kolowski	Krist
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Present and not voting, 12:

Bolz	Hansen	Hughes	Stinner
Chambers	Harr	Pansing Brooks	Vargas
Friesen	Howard	Smith	Wayne

Excused and not voting, 1:

Morfeld

Advanced to Enrollment and Review for Engrossment with 33 ayes, 3 nays, 12 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 902. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 751. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1121. ER153, found on page 1257, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1121A. Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 1034. Placed on Select File with amendment. ER175 is available in the Bill Room.

LEGISLATIVE BILL 1034A. Placed on Select File.

(Signed) Anna Wishart, Chairperson

GENERAL FILE

LEGISLATIVE BILL 449. Considered.

Senator Krist offered the following motion:
MO329

Recommit to the Natural Resources Committee.

Senator Krist withdrew his motion to recommit to committee.

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

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

Senator Larson requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 32:

Albrecht	Chambers	Harr	McCollister	Vargas
Baker	Crawford	Hilkemann	Morfeld	Walz
Blood	Ebke	Howard	Pansing Brooks	Wayne
Bolz	Erdman	Kolowski	Quick	Wishart
Brasch	Geist	Krist	Riepe	
Brewer	Groene	Kuehn	Schumacher	
Briese	Hansen	Lindstrom	Smith	

Voting in the negative, 6:

Clements Larson Watermeier
Hughes Stinner Williams

Present and not voting, 9:

Bostelman Halloran Kolterman Lowe Thibodeau
Friesen Hilgers Linehan Murante

Absent and not voting, 1:

McDonnell

Excused and not voting, 1:

Scheer

The motion to cease debate prevailed with 32 ayes, 6 nays, 9 present and not voting, 1 absent and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 9 nays, 14 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 6, 2018, at 9:43 a.m. were the following: LBs 741e, 760e, 903e, 909e, 940e, 940Ae, 1008e, and 1091e.

(Signed) Jamie Leishman
Clerk of the Legislature's Office

AMENDMENT(S) - Print in Journal

Senator Hilgers filed the following amendment to LB117:

FA148

Strike the enacting clause.

Senator Watermeier filed the following amendment to LB861:

AM2854

1 1. Strike the original sections and all amendments thereto and

2 insert the following new section:

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

4 (a) Correctional institution incident means an incident in which a

5 crime or crimes are allegedly committed by one or more inmates confined

6 in a state correctional institution;

7 (b) Costs of prosecution includes, but is not limited to, the costs

8 of defense for indigent defendants, including attorney's fees and expert

9 witness fees;

10 (c) Division means the risk management and state claims division of
11 the Department of Administrative Services; and

12 (d) Threshold amount means the amount of property tax revenue raised
13 by a county from a levy of two and one-half cents per one hundred dollars
14 of taxable valuation of property subject to the levy. The threshold
15 amount shall be determined using valuations for the year in which the
16 correctional institution incident occurred.

17 (2) A county may file a claim with the division to recover the costs
18 of prosecution relating to a correctional institution incident that
19 occurs within the county. The county may recover only those costs that
20 exceed the threshold amount for such county.

21 (3) The Risk Manager shall have the power and authority to receive
22 claims, investigate claims, and otherwise carry out the responsibilities
23 of this section. The division shall develop a claim form, publish claim
24 procedures, and determine the supporting information required to perfect
25 a claim.

26 (4) The Risk Manager shall submit claims received under this section
27 to the Legislature in the same manner as provided in the State
1 Miscellaneous Claims Act. The Legislature shall review the claim and make
2 an appropriation for the claim if appropriate.

3 (5) This section shall apply to any correctional institution
4 incident occurring on or after May 1, 2015. Claims described in this
5 section shall have no time bar to recovery.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 497. Placed on Final Reading.

LEGISLATIVE BILL 629. Placed on Final Reading.

LEGISLATIVE BILL 682. Placed on Final Reading.

LEGISLATIVE BILL 701. Placed on Final Reading.

LEGISLATIVE BILL 708. Placed on Final Reading.

LEGISLATIVE BILL 717. Placed on Final Reading.

LEGISLATIVE BILL 732. Placed on Final Reading.

ST59

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E and R amendments, ER152, on page 3, line 1, "created pursuant to section 43-4212" has been struck, shown as stricken, and "appointed pursuant to section 43-4216" has been inserted.

LEGISLATIVE BILL 733. Placed on Final Reading.

LEGISLATIVE BILL 742. Placed on Final Reading.

LEGISLATIVE BILL 749. Placed on Final Reading.

LEGISLATIVE BILL 766. Placed on Final Reading.

LEGISLATIVE BILL 786. Placed on Final Reading.

LEGISLATIVE BILL 799. Placed on Final Reading.

LEGISLATIVE BILL 812. Placed on Final Reading.
LEGISLATIVE BILL 815. Placed on Final Reading.
LEGISLATIVE BILL 840. Placed on Final Reading.
LEGISLATIVE BILL 847. Placed on Final Reading.
LEGISLATIVE BILL 848. Placed on Final Reading.
LEGISLATIVE BILL 859. Placed on Final Reading.
LEGISLATIVE BILL 885. Placed on Final Reading.
LEGISLATIVE BILL 889. Placed on Final Reading.
LEGISLATIVE BILL 982. Placed on Final Reading.
LEGISLATIVE BILL 983. Placed on Final Reading.
LEGISLATIVE BILL 1000. Placed on Final Reading.
LEGISLATIVE BILL 1003. Placed on Final Reading.

LEGISLATIVE BILL 1012. Placed on Final Reading.
ST58

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E&R amendments, ER155, on page 1, line 2, "44-3910," has been struck.

LEGISLATIVE BILL 1030. Placed on Final Reading.
LEGISLATIVE BILL 1036. Placed on Final Reading.
LEGISLATIVE BILL 1038. Placed on Final Reading.
LEGISLATIVE BILL 1052. Placed on Final Reading.
LEGISLATIVE BILL 1070. Placed on Final Reading.
LEGISLATIVE BILL 1110. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1103. Senator Larson offered the following motion:
MO330
Indefinitely postpone pursuant to Rule 6, Sec. 3(f) by unanimous consent.

Senator Morfeld objected.

Senator Larson offered the following motion:
MO331
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 953. Placed on Select File with amendment.
ER176

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Section 48-139, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:
5 48-139 (1)(a) Whenever an injured employee or his or her dependents
6 and the employer agree that the amounts of compensation due as periodic
7 payments for death, permanent disability, or claimed permanent disability
8 under the Nebraska Workers' Compensation Act shall be commuted to one or
9 more lump-sum payments, such settlement shall be submitted to the
10 Nebraska Workers' Compensation Court for approval as provided in
11 subsection (2) of this section if:
12 (i) The employee is not represented by counsel;
13 (ii) The employee, at the time the settlement is executed, is
14 eligible for medicare, is a medicare beneficiary, or has a reasonable
15 expectation of becoming eligible for medicare within thirty months after
16 the date the settlement is executed;
17 (iii) Medical, surgical, or hospital expenses incurred for treatment
18 of the injury have been paid by medicaid and medicaid will not be
19 reimbursed as part of the settlement;
20 (iv) Medical, surgical, or hospital expenses incurred for treatment
21 of the injury will not be fully paid as part of the settlement; or
22 (v) The settlement seeks to commute amounts of compensation due to
23 dependents of the employee.
24 (b) If such lump-sum settlement is not required to be submitted for
25 approval by the compensation court, a release shall be filed with the
26 compensation court as provided in subsection (3) of this section. Nothing
27 in this section shall be construed to increase the compensation court's
1 duties or authority with respect to the approval of lump-sum settlements
2 under the act.
3 (2)(a) An application for an order approving a lump-sum settlement,
4 signed and verified by both parties, shall be filed with the clerk of the
5 compensation court and shall be entitled the same as an action by such
6 employee or dependents against such employer. The application shall
7 contain a concise statement of the terms of the settlement or agreement
8 sought to be approved with a brief statement of the facts concerning the
9 injury, the nature thereof, the wages received by the injured employee
10 prior thereto, the nature of the employment, a description of the
11 medical, surgical, or hospital expenses incurred for treatment of the
12 injury that will remain unpaid as part of the settlement which are
13 disputed and for which compensability has been denied by the employer,
14 and such other matters as may be reasonably required by the compensation
15 court. The application may provide for payment of future medical,
16 surgical, or hospital expenses incurred by the employee. The compensation
17 court may, on its own motion, and shall, on a motion by one of the
18 parties, hold a hearing on the application at a time and place selected
19 by the compensation court, and proof may be adduced and witnesses

20 subpoenaed and examined the same as in an action in equity.
21 ~~(b)(i) (b)~~ If the compensation court finds such lump-sum settlement
22 is made in conformity with the compensation schedule and for the best
23 interests of the employee or his or her dependents under all the
24 circumstances, the compensation court shall make an order approving the
25 same.

26 (ii) If the expenses for medical, surgical, or hospital services
27 provided to the employee are not paid by the employer, or if any person,
28 other than medicare, who has made any payment to the supplier of medical,
29 surgical, or hospital services provided to the employee, is not
30 reimbursed by the employer, it shall be conclusively presumed that the
31 nonpayment or nonreimbursement of disputed medical, surgical, or hospital
1 expenses, as set forth in the application, is in conformity with the
2 compensation schedule and for the best interests of the employee or his
3 or her dependents, if the employee's attorney elects to affirm in the
4 application that the nonpayment or nonreimbursement of disputed medical,
5 surgical, or hospital expenses is in conformity with the compensation
6 schedule and for the best interests of the employee or his or her
7 dependents under all the circumstances.

8 (iii) If the employee, at the time the settlement is executed, is
9 eligible for medicare, is a medicare beneficiary, or has a reasonable
10 expectation of becoming eligible for medicare within thirty months after
11 the date the settlement is executed, and if the employee's attorney
12 elects to affirm in the application that the parties' agreement relating
13 to consideration of medicare's interests set forth in such lump-sum
14 settlement is in conformity with the compensation schedule and for the
15 best interests of the employee or his or her dependents under all the
16 circumstances, it shall be conclusively presumed that the parties'
17 agreement relating to consideration of medicare's interests set forth in
18 the application is in conformity with the compensation schedule and for
19 the best interests of the employee or his or her dependents.

20 (iv) If such settlement is not approved, the compensation court may
21 dismiss the application at the cost of the employer or continue the
22 hearing, in the discretion of the compensation court.

23 (c) Every such lump-sum settlement approved by order of the
24 compensation court shall be final and conclusive unless procured by
25 fraud. An order approving an application under this subsection shall, in
26 any case in which the employee is represented by counsel and in which the
27 application contains a description of the medical, surgical, or hospital
28 expenses incurred for treatment of the injury that will remain unpaid as
29 part of the settlement which are disputed and for which compensability
30 has been denied by the employer, provide that the employer is not liable
31 for such expenses. Upon paying the amount approved by the compensation
1 court, the employer ~~(i)~~ shall be discharged from further liability on
2 account of the injury or death, other than liability for the payment of
3 future medical, surgical, or hospital expenses if such liability is
4 approved by the compensation court on the application of the parties, ~~and~~
5 ~~(ii) shall be entitled to a duly executed release. Upon filing the~~
6 ~~release, the liability of the employer under any agreement, award,~~
7 ~~finding, or decree shall be discharged of record.~~

8 (d) An exclusion from coverage in any health, accident, or other

9 insurance policy covering an employee which provides that coverage under
10 such insurance policy does not apply if such employee is entitled to
11 workers' compensation coverage is void as to such employee if his or her
12 employer is not liable for medical, surgical, or hospital expenses
13 incurred for treatment of an injury that will remain unpaid as part of
14 the settlement pursuant to an order entered under subdivision (2)(c) of
15 this section.

16 (3) If such lump-sum settlement is not required to be submitted for
17 approval by the compensation court, a release shall be filed with the
18 compensation court in accordance with this subsection that is signed and
19 verified by the employee and the employee's attorney. The release shall
20 be made on a form approved by the compensation court and shall contain a
21 statement signed and verified by the employee that:

22 (a) The employee understands and waives all rights under the
23 Nebraska Workers' Compensation Act, including, but not limited to:

24 (i) The right to receive weekly disability benefits, both temporary
25 and permanent;

26 (ii) The right to receive vocational rehabilitation services;

27 (iii) The right to receive future medical, surgical, and hospital
28 services as provided in section 48-120, unless such services are
29 specifically excluded from the release; and

30 (iv) The right to ask a judge of the compensation court to decide
31 the parties' rights and obligations;

1 (b) The employee is not eligible for medicare, is not a current
2 medicare beneficiary, and does not have a reasonable expectation of
3 becoming eligible for medicare within thirty months after the date the
4 settlement is executed;

5 (c) There are no medical, surgical, or hospital expenses incurred
6 for treatment of the injury which have been paid by medicaid and not
7 reimbursed to medicaid by the employer as part of the settlement; and

8 (d) There are no medical, surgical, or hospital expenses incurred
9 for treatment of the injury that will remain unpaid after the settlement.

10 (4) Upon the entry of an order of dismissal with prejudice, a A
11 release filed with the compensation court in accordance with subsection
12 (3) of this section shall be final and conclusive as to all rights waived
13 in the release unless procured by fraud. Amounts to be paid by the
14 employer to the employee pursuant to such release shall be paid within
15 thirty days of filing the release with the compensation court. Fifty
16 percent shall be added for payments owed to the employee if made after
17 thirty days after the date the release is filed with the compensation
18 court. Upon making payment owed by the employer as set forth in the
19 release and upon the entry of an order of dismissal with prejudice, as to
20 all rights waived in the release, such release shall be a full and
21 complete discharge from further liability for the employer on account of
22 the injury, including future medical, surgical, or hospital expenses,
23 unless such expenses are specifically excluded from the release, and the
24 court shall enter an order of dismissal with prejudice as to all rights
25 waived in the release.

26 (5) The fees of the clerk of the compensation court for filing,
27 docketing, and indexing an application for an order approving a lump-sum
28 settlement or filing a release as provided in this section shall be

29 fifteen dollars. The fees shall be remitted by the clerk to the State
30 Treasurer for credit to the Compensation Court Cash Fund.

31 Sec. 2. Section 48-2907, Reissue Revised Statutes of Nebraska, is
1 amended to read:

2 48-2907 (1) In addition to any other fines or penalties provided by
3 law, if the commissioner finds, after notice and hearing, that a
4 contractor has violated the Employee Classification Act, the contractor
5 shall be assessed, by the commissioner, a five-hundred-dollar fine per
6 each misclassified individual for the first offense and a five-thousand-
7 dollar fine per each misclassified individual for each second and
8 subsequent offense.

9 (2) Any contractor who has unpaid fines for a violation of the
10 Employee Classification Act shall be barred from contracting with the
11 state or any political subdivision until such fines are paid.

12 Sec. 3. Section 48-2911, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 48-2911 Any contract between the state or a political subdivision
15 and a contractor shall require that each contractor who performs
16 construction or delivery service pursuant to the contract submit to the
17 state or political subdivision an affidavit attesting that (1) each
18 individual performing services for such contractor is properly classified
19 under the Employee Classification Act, (2) such contractor has completed
20 a federal I-9 immigration form and has such form on file for each
21 employee performing services, (3) such contractor has complied with
22 section 4-114, (4) such contractor has no reasonable basis to believe
23 that any individual performing services for such contractor is an
24 undocumented worker, and (5) as of the time of the contract, such
25 contractor is not barred from contracting with the state or any political
26 subdivision pursuant to section ~~48-2907~~ or 48-2912. Such contract shall
27 also require that the contractor follow the provisions of the Employee
28 Classification Act. A violation of the act by a contractor is grounds for
29 rescission of the contract by the state or political subdivision.

30 Sec. 4. Original sections 48-2907 and 48-2911, Reissue Revised
31 Statutes of Nebraska, and section 48-139, Revised Statutes Cumulative
1 Supplement, 2016, are repealed.

2 2. On page 1, strike beginning with "the" in line 1 through line 4
3 and insert "labor; to amend sections 48-2907 and 48-2911, Reissue Revised
4 Statutes of Nebraska, and section 48-139, Revised Statutes Cumulative
5 Supplement, 2016; to change provisions relating to lump-sum settlements;
6 to prohibit contractors with unpaid fines under the Employee
7 Classification Act from contracting with the state or a political
8 subdivision; to change provisions relating to a required affidavit; and
9 to repeal the original sections."

LEGISLATIVE BILL 807A. Placed on Select File.

(Signed) Anna Wishart, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 482. Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36; Stinner, 48.

PURPOSE: The purpose of this resolution is to examine existing barriers that prohibit the establishment of mobile massage establishments and issues that may arise if licensure of mobile massage establishments is permitted in the State of Nebraska.

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

(1) Current statutes or rules and regulations that could allow for such licensure;

(2) Reasonable requirements for the operation of mobile massage salons; and

(3) Safety concerns and similar licensing credentials for stationary businesses of the same type.

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.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator McCollister name added to LB738.

Senator Larson name added to LB989

VISITORS

Visitors to the Chamber were 7 members of Habitat for Humanity of Omaha; 20 fourth-grade students from Concordia Academy, Omaha; Westside student, Sam Bacon; 33 fourth-grade students from Sandy Creek Elementary, Fairfield; 28 high school students, teacher, and sponsors from Morrill High School; Senator Schumacher's brother-in-law and sister-in-law, Gregory and Olga Gassé, from Weston, FL; Senator Schumacher's wife, Michele, from Columbus; 20 high school students from Omaha Burke High School; and Tami Martin and Shayne Fisk from Lincoln.

RECESS

At 11:58 a.m., on a motion by Senator McDonnell, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Bolz, Harr, Howard, Kuehn, McDonnell, Morfeld, Pansing Brooks, Thibodeau, Watermeier, and Wishart who were excused until they arrive.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1065. Placed on Select File with amendment.
ER177

- 1 1. In the Murante amendment, AM2842, on page 6, line 1, after
- 2 "including" insert an underscored comma.
- 3 2. On page 1, strike lines 2 through 12 and insert "32-330, and
- 4 32-913, Reissue Revised Statutes of Nebraska, and sections 32-301 and
- 5 32-304, Revised Statutes Supplement, 2017; to provide requirements for
- 6 and authorize the use of electronic poll books as prescribed; to change
- 7 provisions relating to digital signatures; to harmonize provisions; to
- 8 provide an operative date; and to repeal the original sections."

LEGISLATIVE BILL 1065A. Placed on Select File with amendment.
ER178

- 1 1. Renumber section 2 as section 1.

(Signed) Anna Wishart, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1103. The Larson motion, MO331, found in this day's Journal, to indefinitely postpone pursuant to Rule 6, Sec. 3(f), was renewed.

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

Senator Briese moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Briese requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 26:

Albrecht	Chambers	Hansen	Morfeld	Watermeier
Baker	Crawford	Hilkemann	Pansing Brooks	Wayne
Blood	Ebke	Hughes	Quick	
Bolz	Friesen	Kolowski	Riepe	
Bostelman	Groene	Kolterman	Stinner	
Briese	Halloran	Krist	Walz	

Voting in the negative, 8:

Brasch	Hilgers	Linehan	Smith
Geist	Larson	McCollister	Williams

Present and not voting, 9:

Brewer	Erdman	Lowe	Scheer	Vargas
Clements	Lindstrom	Murante	Schumacher	

Excused and not voting, 6:

Harr	Kuehn	Thibodeau
Howard	McDonnell	Wishart

The motion to cease debate prevailed with 26 ayes, 8 nays, 9 present and not voting, and 6 excused and not voting.

The Larson motion to indefinitely postpone failed with 6 ayes, 25 nays, 13 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Larson offered the following motion:

MO332

Pass over pursuant to Rule 6, Sec. 3(d).

The Chair ruled the Larson motion is out of order because it is not a priority motion.

Senator Larson challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion failed with 3 ayes, 29 nays, 15 present and not voting, and 2 excused and not voting.

The Chair was sustained.

Title read. Considered.

Senator Friesen asked unanimous consent to withdraw his amendment, AM2439, found on page 1069, and replace it with the Briese substitute amendment, AM2808, found on page 1404.

Senator Smith objected.

Senator Friesen offered the following motion:

MO334

Withdraw AM2439 and replace with AM2808.

Senator Brasch offered her motion, MO318, found on page 1398, to bracket until April 18, 2018.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 483. Introduced by Brewer, 43; Pansing Brooks, 28.

WHEREAS, Tamara (Tammy) Eagle Bull, FAIA, was the first Native American woman to become a licensed architect in the United States; and

WHEREAS, Tammy Eagle Bull is a member of the Nebraska Chapter of the American Institute of Architects (AIA) and a member of the Oglala Lakota Nation; and

WHEREAS, Tammy Eagle Bull is the co-founder and president of Encompass Architects in Lincoln; and

WHEREAS, Tammy Eagle Bull is also the executive board secretary at the American Indian Council of Architects and Engineers, where she was a key member in negotiating a memorandum of understanding with the National Organization of Minority Architects, allowing the two organizations to work together; and

WHEREAS, Tammy Eagle Bull is receiving the AIA 2018 Whitney M. Young Jr. Award for her contributions to positive social change through her efforts in the preservation and respectful representation of Native American culture within tribal nation built environments.

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

1. That the Legislature congratulates Tamara Eagle Bull for her outstanding achievements and on her recognition by the American Institute of Architects with the 2018 Whitney M. Young Jr. Award.

2. That copies of this resolution be sent to Tamara Eagle Bull and the Nebraska Chapter of the American Institute of Architects.

Laid over.

LEGISLATIVE RESOLUTION 484. Introduced by Watermeier, 1; Bolz, 29; Chambers, 11; Crawford, 45; Hughes, 44; Kuehn, 38; Larson, 40; McCollister, 20; Scheer, 19; Stinner, 48.

WHEREAS, Mary Fischer has worked for the Legislature for more than thirty-five years; and

WHEREAS, Mary has worked in the Revisor of Statutes Office for thirty of those years, including serving as Associate Revisor of Statutes for more than twenty years; and

WHEREAS, Mary provided legal counsel for Senator Gary Hannibal and the Administrative Rules and Regulations Review Committee prior to working in the Revisor of Statutes Office; and

WHEREAS, Mary has contributed her skill and talents to the legislative process by her many years of experience in drafting legislation and editing statute books; and

WHEREAS, Mary has been a valued member of the Revisor of Statutes Office and has contributed to the Legislature and the State of Nebraska by her work on legislation and the statutes of the State of Nebraska.

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

1. That Mary Fischer be commended for her work for the Legislature and congratulated on her retirement.
2. That this resolution be provided to Mary in appreciation for her service.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Kuehn filed the following amendment to LB117:
AM2867

- 1 1. On page 3, strike beginning with "any" in line 22 through "of" in
- 2 line 23; and in line 30 strike "consequent to the use".

Senator Kuehn filed the following amendment to LB117:
AM2866

- 1 1. On page 2, line 8, strike "soon" and after "death" insert "within
- 2 six months".

GENERAL FILE

LEGISLATIVE BILL 194. Title read. Considered.

Committee AM2587, found on page 1315, was offered.

Senator Lindstrom withdrew his amendment, AM2792, found on page 1399, to the committee amendment.

Senator Lindstrom offered the following amendment to the committee amendment:

AM2872

(Amendments to Standing Committee amendments, AM2587)

- 1 1. Insert the following new section:
- 2 Sec. 22. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
- 3 16, 17, 18, 20, 21, and 23 of this act become operative on January 1,

- 4 2019. The other sections of this act become operative on their effective
5 date.
- 6 2. On page 2, strike beginning with "11" in line 23 through "20" in
7 line 24 and insert "10, 11, 12, 13, 15, and 19".
- 8 3. On page 3, line 24, after "receives" insert "the proceeds of".
- 9 4. On page 7, line 14, strike "AT" and insert "BEFORE".
- 10 5. On page 8, line 17, strike "on or"; and in line 26, strike "The
11 maker shall not be charged" and insert "Neither the licensee nor any
12 affiliate of the licensee shall charge the maker".
- 13 6. On page 9, line 12, after "licensee" insert ", an affiliate of
14 the licensee."; in line 13 after "or" insert "any"; and in line 14 strike
15 "a check", show as stricken, and insert "an instrument".
- 16 7. On page 10, line 27, after "licensee" insert ", affiliate of a
17 licensee".
- 18 8. On page 15, line 7, strike "to" and insert "and"; and in line 8
19 after "transactions" insert "as part of such order".
- 20 9. Renumber the remaining section accordingly.

Senator Watermeier moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Lindstrom amendment was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 47 ayes, 0 nays, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 47 ayes, 0 nays, and 2 excused and not voting.

LEGISLATIVE BILL 793. Title read. Considered.

Senator Bolz withdrew her amendments, AM2583, AM2528, AM2753, and AM2819, found on pages 1173, 1277, 1319, and 1406.

Senator Stinner offered the following amendment:
AM2871

- 1 1. Strike original section 2 and insert the following new sections:
2 Section 1. Section 68-1111, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:
4 68-1111 Sections 68-1111 to 68-1119 and section 9 of this act shall
5 be known and may be cited as the Aging and Disability Resource Center
6 ~~Demonstration Project Act~~.
- 7 Sec. 2. Section 68-1113, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:
9 68-1113 The purpose of the Aging and Disability Resource Center
10 ~~Demonstration Project Act is to evaluate the feasibility of establishing~~
11 ~~aging and disability resource centers statewide~~ to provide information

12 about long-term care services and support available in the home and
 13 community for older Nebraskans or persons with disabilities, family
 14 caregivers, and persons who request information or assistance on behalf
 15 of others and to assist eligible individuals to access the most
 16 appropriate public and private resources to meet their long-term care
 17 needs.

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

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

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

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

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

7 (3) Center for independent living has the definition found in 29
 8 U.S.C. 796a, as such section existed on January 1, 2018 ~~2015~~;

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

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

19 (6) Options counseling means a service that assists an eligible
 20 individual in need of long-term care and his or her representatives to
 21 make informed choices about the services and settings which best meet his
 22 or her long-term care needs and that uses uniform data and information
 23 collection assessments and encourages the widest possible use of
 24 community-based options to allow an eligible individual to live as
 25 independently as possible in the setting of his or her choice;

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

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

2 (9) University Center for Excellence in Developmental Disability

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

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

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

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

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

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

27 (a) ~~(4)~~ Comprehensive information on the full range of available
 28 public and private long-term care programs, options, financing, service
 29 providers, and resources within a community, including information on the
 30 availability of integrated long-term care;

31 (b) ~~Options counseling;~~

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

3 ~~(3) Options counseling;~~

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

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

8 (f) ~~(6)~~ Facilitation of person-centered transition support to assure
 9 that an eligible individual is able to find the services and support that
 10 are most appropriate to his or her need;

11 (g) ~~(7)~~ Mobility management to promote the appropriate use of public
 12 transportation services by a person who does not own or is unable to
 13 operate an automobile; and

14 (h) ~~(8)~~ A home care provider registry that will provide a person who
 15 needs home care with the names of home care providers and information
 16 about his or her rights and responsibilities as a home care consumer.

17 Sec. 6. Section 68-1117, Revised Statutes Cumulative Supplement,
 18 2016, is amended to read:

19 68-1117 (1) An ~~Within sixty days after the release date of a request~~
 20 ~~for proposals under section 68-1115, an area agency on aging shall~~

21 establish a partnership with one or more lead organizations that
 22 specialize in serving, ~~after consultation with a collaboration of~~
 23 ~~organizations that serve aging persons and persons with congenital and~~
 24 acquired disabilities to provide services as described in subsection (2)
 25 of section 68-1116, including, but not limited to, centers for
 26 independent living and the University Center for Excellence in
 27 Developmental Disability Education, Research and Service, for the purpose
 28 of developing an aging and disability resource center plan. After
 29 consultation with a collaboration of ~~and with other organizations,~~
 30 ~~including, but not limited to,~~ organizations providing advocacy,
 31 protection, and safety for aging persons and persons with congenital and
 1 acquired disabilities, the partnership may submit to the department a
 2 ~~proposal to establish~~ an aging and disability resource center plan
 3 ~~demonstration project.~~ The plan proposal shall specify how organizations
 4 currently serving eligible individuals will be engaged in the process of
 5 delivery of services through the aging and disability resource center
 6 ~~demonstration project.~~ The proposal shall be developed in consultation
 7 with eligible individuals and their representatives. The plan proposal
 8 shall indicate how resources will be utilized by the collaborating
 9 organizations to fulfill the responsibilities of an aging and disability
 10 resource center ~~demonstration project.~~

11 (2) Two or more area agencies on aging may develop a joint ~~proposal~~
 12 ~~to establish an~~ aging and disability resource center plan demonstration
 13 ~~project~~ to serve all or a portion of their planning-and-service areas. A
 14 joint plan proposal shall provide information on how the services
 15 described in section 68-1116 will be provided in the counties to be
 16 served by the aging and disability resource center ~~demonstration project~~
 17 ~~described in the joint proposal.~~

18 Sec. 7. Section 68-1118, Revised Statutes Cumulative Supplement,
 19 2016, is amended to read:

20 68-1118 The department shall provide ~~Within thirty days after~~
 21 ~~receipt of a proposal developed pursuant to subsection (1) or (2) of~~
 22 ~~section 68-1117, the department shall review the proposal and determine~~
 23 ~~whether the proposal is eligible for funding. The department shall select~~
 24 ~~three proposals for funding. The department shall enter into a contract~~
 25 ~~with an independent institution having experience in evaluating aging and~~
 26 ~~disability programs for an evaluation of the aging and disability~~
 27 ~~resource center demonstration projects. The contract shall require that a~~
 28 report regarding evaluating the aging and disability resource centers
 29 demonstration projects be presented to the Clerk of the Legislature prior
 30 to December 1, of 2016, 2017, and 2018, and each December 1 thereafter.

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

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

8 centers, and (3) other funds as available.

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

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

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

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

12 It is the intent of the Legislature that no additional programs are
13 funded through the Nebraska Health Care Cash Fund until funding for all
14 programs with an appropriation from the fund during FY2012-13 are
15 restored to their FY2012-13 levels.

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

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

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

31 Sec. 11. Section 83-1201, Revised Statutes Supplement, 2017, is
1 amended to read:

2 83-1201 Sections 83-1201 to 83-1227 and section 13 of this act shall
3 be known and may be cited as the Developmental Disabilities Services Act.

4 Sec. 13. (1) If the department determines that there are not enough
5 funds available to provide services to all eligible individuals under
6 subdivision (4)(d) of section 83-1216, the department shall provide day
7 services to individuals who:

8 (a) Are transitioning from an education system on or after September
9 6, 1993;

10 (b) Are at least twenty-one years of age; and

11 (c) Are determined by the department to be otherwise eligible for
12 the day services in accordance with the Developmental Disabilities
13 Services Act.

14 (2) The department shall provide services comparable to the services
15 the individual would have received pursuant to subdivision (4)(d) of
16 section 83-1216 if funds were available.

17 (3) No later than September 15 of each year, the director shall
18 provide electronic notification to the Health and Human Services
19 Committee of the Legislature and the Appropriations Committee of the
20 Legislature of the estimated number of individuals needing services under
21 subsection (4) of section 83-1216 and the net additional resources
22 necessary to provide services to all eligible individuals under
23 subsection (4) of section 83-1216 other than subdivision (e) of such
24 subsection.

25 (4) This section terminates June 30, 2021.

26 Sec. 14. There is hereby appropriated (1) \$321,182 from the
27 Nebraska Health Care Cash Fund for FY2018-19 and (2) \$321,182 from the
28 Nebraska Health Care Cash Fund for FY2019-20 to the Department of Health
29 and Human Services, for Program 33, to aid in carrying out the provisions
30 of Legislative Bill 793, One Hundred Fifth Legislature, Second Session,
31 2018.

1 Sec. 15. There is hereby appropriated (1) \$613,912 from the
2 Nebraska Health Care Cash Fund for FY2018-19 and (2) \$631,912 from the
3 Nebraska Health Care Cash Fund for FY2019-20 to the Department of Health
4 and Human Services, for Program 571, to aid in carrying out the
5 provisions of Legislative Bill 793, One Hundred Fifth Legislature, Second
6 Session, 2018.

7 No expenditures for permanent and temporary salaries and per diems
8 for state employees shall be made from funds appropriated in this
9 section.

10 Sec. 16. Sections 11, 12, 13, and 17 of this act become operative
11 three calendar months after the adjournment of this legislative session.

12 The other sections of this act become operative on their effective date.

13 Sec. 17. Original sections 83-1201 and 83-1216, Revised Statutes 14 Supplement, 2017, are repealed.

15 Sec. 18. Original sections 68-1111, 68-1113, 68-1114, 68-1115, 16 68-1116, 68-1117, 68-1118, and 68-1119, Revised Statutes Cumulative 17 Supplement, 2016, and section 71-7611, Revised Statutes Supplement, 2017, 18 are repealed.

19 Sec. 19. Since an emergency exists, this act takes effect when 20 passed and approved according to law.

21 2. Renumber the remaining section accordingly.

The Stinner amendment was adopted with 27 ayes, 6 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 1 nay, 12 present and not voting, and 3 excused and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 485. Introduced by Linehan, 39.

WHEREAS, robotics teams from Douglas County West Community Schools (DC West) have won competitions at both the state and international levels; and

WHEREAS, teams from DC West competed in the Nebraska/Iowa VEX IQ Regional Championship on March 3, 2018; and

WHEREAS, the "Mavericks", a middle school team from DC West consisting of Ted Stenglein, Levent Capan, Vernon Woodard, Jack Woodward, and Zach Uehling, upset the number one seed to win the Middle School State Championship; and

WHEREAS, "Fuzzy Wuzzy 2.0", a high school team from DC West consisting of Troy Ogden, Dillon Saathoff, Jay Goldapp, and Avery Hoffmann, finished first in the skills competition with a score of 202, placing fifth in the world; and

WHEREAS, both the Mavericks and Fuzzy Wuzzy 2.0 qualified for the VEX World Championship in Louisville, Kentucky, in April of 2018; and

WHEREAS, the Douglas County West Community Schools have started four new elementary school robotics teams, headed by Coach Kathy Maline, to ensure DC West's continued success in robotics.

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

1. That the Legislature congratulates the Douglas County West Community Schools Middle and High School Robotics Teams on their victories at the Nebraska/Iowa VEX IQ Regional Championship.

2. That copies of this resolution be sent to Douglas County West Community Schools Superintendent Dr. Melissa Poloncic and Coaches Dan Maline and Kathy Maline.

Laid over.

LEGISLATIVE RESOLUTION 486. Introduced by Halloran, 33.

WHEREAS, Trenton Karr, a member of Crew 2099 of Blue Hill, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, Joshua Bohlke, Adam Napier, and Justin Vrooman, members of Troop 125 of Hastings, have completed the requirements for the rank of Eagle Scout; and

WHEREAS, Spencer Tessman, Johnathan Roberts, Zachary Griswold, and Christian Spurrier, members of Troop 192 of Hastings, have completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, Adam Eddy and Jonathan Zimmerman, members of Troop 207 of Hastings, have completed the requirements for the rank of Eagle Scout; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout their scouting experience, these young men have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete an approved community service project; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Trenton, Joshua, Adam, Justin, Spencer, Johnathan, Zachary, Christian, Adam, and Jonathan, through their hard work and perseverance, have joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Trenton Karr, Joshua Bohlke, Adam Napier, Justin Vrooman, Spencer Tessman, Johnathan Roberts, Zachary Griswold, Christian Spurrier, Adam Eddy, and Jonathan Zimmerman on achieving the rank of Eagle Scout.

2. That copies of this resolution be sent to Trenton Karr, Joshua Bohlke, Adam Napier, Justin Vrooman, Spencer Tessman, Johnathan Roberts, Zachary Griswold, Christian Spurrier, Adam Eddy, and Jonathan Zimmerman.

Laid over.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 738. Placed on Final Reading.

LEGISLATIVE BILL 738A. Placed on Final Reading.

LEGISLATIVE BILL 776. Placed on Final Reading.

LEGISLATIVE BILL 841. Placed on Final Reading.

LEGISLATIVE BILL 902. Placed on Final Reading.

LEGISLATIVE BILL 1040. Placed on Final Reading.

ST61

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 3, "a term" has been struck and "and redefine terms" inserted.

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Ebke filed the following amendment to LB791:
AM2880

(Amendments to Standing Committee amendments, AM2708)

- 1 1. On page 1, line 15, strike "ten" and insert "five"; in line 18
- 2 strike "a record of"; strike beginning with "misconduct" in line 19
- 3 through "agency" in line 21 and insert "officer conduct which could
- 4 constitute grounds for revocation or suspension of a law enforcement
- 5 certification by the Nebraska Commission on Law Enforcement and Criminal
- 6 Justice"; and in line 26 strike "and" and insert "or".
- 7 2. On page 2, line 13, strike "and" and insert "or".
- 8 3. On page 3, line 10, strike "Upon" and insert "Within ten calendar
- 9 days after"; and in line 28 strike "under section 81-1414".
- 10 4. On page 4, line 25, after the comma insert "the Nebraska Police
- 11 Standards Advisory Council, the Nebraska Equal Opportunity Commission";
- 12 and strike line 31 and insert the following new subdivision:
- 13 "(c) Limit the time during which a disciplinary investigation may be
- 14 initiated or discipline may be imposed to less than two years after the
- 15 occurrence of the conduct which is the subject of the investigation or
- 16 discipline:".
- 17 5. On page 5, strike lines 1 and 2.
- 18 6. On page 6, line 31, strike beginning with "any" through "state"
- 19 and insert "the Nebraska State Patrol".

VISITORS

Visitors to the Chamber were Congressman Adrian Smith from Scottsbluff; 50 fourth-grade students from Wilber-Clatonia Public Schools; and 38 fourth-grade students from Centura Public Schools, Cairo.

The Doctor of the Day was Dr. Aaron Lanik from Omaha.

ADJOURNMENT

At 5:02 p.m., on a motion by Senator Kuehn, the Legislature adjourned until 9:00 a.m., Monday, April 9, 2018.

Patrick J. O'Donnell
Clerk of the Legislature