

FIFTY-SEVENTH DAY - APRIL 9, 2018

LEGISLATIVE JOURNAL

**ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION**

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 9, 2018

PRAYER

The prayer was offered by Senator Watermeier.

ROLL CALL

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

The roll was called and all members were present except Senators Briese, Harr, McCollister, Morfeld, Pansing Brooks, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-sixth day was approved.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 751. Placed on Final Reading.

LEGISLATIVE BILL 1121. Placed on Final Reading.

ST62

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

1. On page 34, lines 20, 23, and 29; and page 35, line 21, "Nebraska" has been inserted before "Uniform".

LEGISLATIVE BILL 1121A. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

SELECT FILE

LEGISLATIVE BILL 861. ER121, found on page 907, was adopted.

Senator Harr withdrew his amendments, AM2426 and AM2436, found on pages 993 and 1020.

Senator Watermeier offered his amendment, AM2854, found on page 1454.

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1081. ER143, found on page 1144, was adopted.

Senator Linehan offered her amendment, AM2823, found on page 1420.

The Linehan amendment was adopted with 35 ayes, 0 nays, and 14 present and not voting.

Advanced to Enrollment and Review for Engrossment.

AMENDMENT(S) - Print in Journal

Senator Kuehn filed the following amendment to LB117:
AM2876

- 1 1. Strike section 8 and all amendments thereto.
- 2 2. Renumber the remaining sections.

Senator Kuehn filed the following amendment to LB117:
AM2877

- 1 1. On page 3, line 23, after the semicolon insert "and"; strike
- 2 lines 24 through 28; and in line 29 strike "(7)" and insert "(6)".

PROPOSED RULES CHANGES

The Rules Committee offered the following proposed rules change, found on page 802, offered by Senator Scheer:

Amend Rule 2

Section 1. Rules, Matters Not Covered. (a) At the commencement of each regular session in odd-numbered years, a motion shall be offered to adopt the rules of the preceding session as temporary rules. The motion to adopt temporary rules shall require a majority vote of the members. The temporary rules shall be in effect until such time as the permanent rules are adopted which shall govern the Legislature for a period of two years. The motion to adopt permanent rules and amendments to that motion shall require a majority vote of the elected members. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

(b) In the absence of a controlling rule to cover a specific situation and in the absence of controlling custom, usage, and/or precedent, the presiding officer may utilize Mason's Manual of Legislative Procedure as authority.

The Rules Committee offered the following amendment to the proposed rules change, found on page 803, offered by Senator Watermeier:

Strike the original Rule 10 and insert the following:

**RULE 10 – ELECTION CONTESTS AND
QUALIFICATIONS CHALLENGES**

Section 1. Committee Selection. (a) Each qualifications challenge and election contest shall be filed with the Clerk of the Legislature ~~shall be referred by the Clerk of the Legislature.~~ Within seven days of filing, the Clerk of the Legislature shall refer the qualifications challenge or election contest to the Executive Board of the Legislative Council, who in turn shall refer the matter to a specially created committee to consider such challenge. The committee shall consist of ~~seven members appointed~~ members appointed by the Executive Board of the Legislative Council. The specially created committee shall have no fewer than 5 members and no more than 9 members.

(b) The special committee may adopt rules to govern election contests and qualifications challenges, provided that such committee rules shall be consistent with the Constitution, Nebraska statutes, and the Legislative Rules of the Nebraska Legislature ~~and s~~Such adopted rules shall be filed with the Clerk within twenty-four hours of adoption and shall be made available to all parties and to the public.

(c) The committee shall give notice of all rules, timetables, or deadlines adopted by the committee. Notice under this subsection shall be in writing and shall be given either personally with receipt or by certified mail (return receipt requested) addressed to the party at his or her place of residence. If a party is represented by counsel, such notice shall also be given to his or her attorney of record.

Sec. 2. Contests and Challenges - Due Process. (a) Election contests and qualifications challenges shall be heard and determined in accordance with the applicable provisions of the Rules of the Legislature, Nebraska statutes, the Nebraska Constitution, and the United States Constitution. Judicial decisions which bear on a point of law in a contest or challenge shall be admissible in the arguments of the parties and the deliberations and decisions of the committee. Judicial decisions applicable to a point of law or to a fact situation to the committee shall be given weight as precedent.

(b) The committee shall ensure that the parties have due process, including that is met if the respondent member received notice of the challenge and each party had a reasonable opportunity to present his or her claim, any

defense and arguments, and to respond to those of his or her opponent. If the parties submitted a brief and had an opportunity to respond to the opposing party's brief, a hearing is not required ~~to meet due process requirements~~. The Committee may nonetheless hold a hearing if the Committee so chooses.

(c) All parties may be represented by counsel.

Sec. 3. Discovery in Contests and Challenges. (a) Discovery may commence in an election contest or qualifications challenge as soon as a response is filed by the respondent member or eleven calendar days after a petition is filed under the Legislative Qualifications and Election Contests Act, whichever occurs sooner. Either party to a petition may obtain discovery regarding any matter which is not privileged and is relevant to the particular grounds stated in the petition or response.

(b) Discovery shall be conducted in any manner permitted by the rules of discovery for civil cases adopted by the Supreme Court.

~~(c) If an unresolved discovery or record dispute exists and continues between the parties to a petition or between a party and another person, a party may request a ruling on the dispute from the chairperson of the committee.~~

~~(c)(d)~~ No testimony shall be received in the taking of depositions or by the Legislature which does not relate to the points specified in the petition.

~~(d)(e)~~ Discovery materials shall be filed with the Clerk of the Legislature only when ordered by the committee or when required by law or these rules.

Sec. 4. Discovery in Qualifications Challenges. (a) A party to a petition to challenge qualifications shall respond to a discovery request under section 21 of this act within ~~seven~~ four calendar days after receipt of the request or by the ~~fourteenth~~ seventeenth calendar day after the Legislature convenes the regular legislative session following the general election, whichever is sooner. A person who is not a party to the petition shall respond to a discovery request under section 21 of this act within seven calendar days after receipt of the request or by the ~~fourteenth~~ seventeenth calendar day after the Legislature convenes the regular legislative session following the general election, whichever is sooner.

(b) The chairperson of the committee may grant additional time to respond to a discovery request if he or she finds good cause for additional time to be granted. ~~The chairperson shall not grant more than seven calendar days of additional time beyond the initial time period to respond.~~

(c) If an unresolved discovery or record dispute exists and continues between the parties to a petition or between a party and another person, a party may request a ruling on the dispute from the chairperson of the committee.

(d)(e) All discovery, including responses to discovery, shall be completed by the ~~fourteenth~~ seventeenth calendar day after the Legislature convenes the regular legislative session following the general election. The petitioner or respondent member shall not be granted any additional time after such deadline to conduct discovery unless additional time is granted pursuant to subsection (b) of this section.

Sec. 5. Submission of Discovery Record and Briefs in Contests and ChallengesQualifications Challenges. (a) The petitioner and respondent member shall each file a brief with the Clerk of the Legislature which outlines the party's claims or defenses, relevant legal authority and legislative precedent, and proposed form of relief. The briefs shall be filed with the Clerk of the Legislature and served on the opposing party within ~~seven~~ five calendar days after the final date for conducting discovery.

(b) A party may file a response to the opposing party's brief which addresses the issues raised in the opposing party's brief. The response shall be filed with the Clerk of the Legislature and served upon the opposing party within ~~five~~ seven calendar days after receipt of the opposing party's brief.

(c) Each party shall submit any proof or evidence, including, but not limited to, depositions, affidavits, and documents, that the party desires the committee to consider in judging the qualifications of the respondent member to the Clerk of the Legislature within ~~five~~ seven calendar days after receipt of the opposing party's brief. Only proof of issues raised in the initial petition or amendments to the petition or in the response to the initial petition or amendments to the petition may be submitted for consideration by the Legislature.

Sec. 6. Committee Proceedings and Powers in Contests and Challenges.

(a) The committee shall consider the qualifications challenge within fourteen calendar days after the deadline for which the parties have to submit discovery materials to the committee.

(b) The committee shall resolve the election contest or qualifications challenge as expeditiously as possible.

(c) Upon meeting and considering the record and arguments of the petitioner and respondent member, the committee may dismiss a petition filed under the Legislative Qualifications and Election Contests Act or may conduct a further inquiry as permitted by the Rules of the Nebraska Unicameral Legislature.

(d) All proceedings of the committee concerning election contests and qualifications challenges may be recorded and transcribed. Copies of the transcript shall be made available to the members of the committee and to the parties.

(e) In conducting inquiries, investigations, and recounts in election contests, and qualifications challenges, the committee shall have the subpoena power to compel the attendance of witnesses, ~~and the production of books, papers, ballots, documents, and/or other records,~~ by a subpoena signed by the chairperson of the committee as provided by Rule 3, Section 21. In conducting proceedings in election contests and qualifications challenges, the committee may utilize the legislative powers to gather information as provided by Rule 3, Section 21. At any point during the election contest or qualifications challenge, the committee may require the parties to submit a brief to the committee on any issue relevant to the matter.

(f) The committee shall maintain a record of proceedings in every election contest and qualifications challenge. Such record shall include all notices and pleadings, roll call votes, all reports and dissents, and all documents which were admitted into the proceeding. The committee shall file the record with the Clerk of the Legislature upon the adoption of its final report. The record shall then be available for examination in the ~~Clerk of the Legislature's Office~~ Clerk's office.

(g) With the approval of the Executive Board, the committee may employ staff assistants to include clerks, court reporters, professional staff, and other personnel as deemed necessary.

Sec. 7. Adoption of Reports in Contests and Challenges. (a) All final decisions of the committee regarding an election contest or qualification challenge shall be approved by a majority of the members of the committee. Such decisions shall be reported in writing to the Legislature. Reports shall include a specific recommendation to the Legislature as to the disposition of the contest or challenge.

(b) Any member of the committee may file a dissent from a report of the committee, a minority report, or a special concurrence with the majority report or with any minority report.

(c) Reports of the committee shall be filed with the Clerk of the Legislature, printed and placed on the members' desks, along with any dissents, minority reports, or special concurrences. The report shall be listed on the agenda under the heading "Report of Election Contest" or "Report of Qualifications Challenge." The report as filed with the Clerk, shall not be considered for two legislative days prior to any consideration by the Legislature.

(d) The Legislature shall adopt the majority report or a minority report in an election contest or qualifications challenge or shall refuse to adopt any report filed and rerefer the contest or challenge to the committee for further proceedings or for a modified report. Reports as filed by the committee are not amendable. If the Legislature fails to adopt a report, the matter shall automatically be rereferred to committee for further consideration.

SELECT FILE

LEGISLATIVE BILL 1081A. Senator Groene withdrew his amendment, AM2756, found on page 1345.

Senator Groene offered the following amendment:
AM2884

1 1. On page 2, line 5, strike "15,896,270" and insert "15,951,270";
2 and in line 10 strike "41,404,547" and insert "41,459,547".

The Groene amendment was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1089. ER159, found on page 1311, was adopted.

Senator Smith withdrew his amendment, AM2779, found on page 1371.

Senator Smith offered his amendment, AM2806, found on page 1390.

The Smith amendment was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 994. ER158, found on page 1311, was adopted.

Senator Friesen offered his amendment, AM2799, found on page 1420.

The Friesen amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 994A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1115. Title read. Considered.

Committee AM2664, found on page 1167, was offered.

Senator Murante offered his amendment, AM2698, found on page 1306, to the committee amendment.

Senator Morfeld offered the following motion:
MO335
Bracket until April 18, 2018.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 449. Placed on Select File with amendment.
ER179

1 1. On page 1, strike beginning with "amend" in line 1 through
2 "section" in line 4 and insert "repeal the Black-Tailed Prairie Dog
3 Management Act".

LEGISLATIVE BILL 194. Placed on Select File with amendment.
ER180 is available in the Bill Room.

LEGISLATIVE BILL 793. Placed on Select File with amendment.
ER181

1 1. On page 1, strike beginning with "developmental" in line 1
2 through line 4 and insert "public health and welfare; to amend sections
3 68-1111, 68-1113, 68-1114, 68-1115, 68-1116, 68-1117, 68-1118, and
4 68-1119, Revised Statutes Cumulative Supplement, 2016, and sections
5 71-7611, 83-1201, and 83-1216, Revised Statutes Supplement, 2017; to
6 rename the Aging and Disability Resource Center Demonstration Project
7 Act; to state and restate intent; to redefine terms; to provide for
8 establishment of aging and disability resource centers; to provide powers
9 and duties; to require reports; to eliminate provisions relating to
10 grants and references to aging and disability resource center
11 demonstration projects; to change transfer provisions for the Nebraska
12 Health Care Cash Fund; to change provisions relating to the provision of
13 services under the Developmental Disabilities Services Act; to provide a
14 termination date; to harmonize provisions; to appropriate funds; to
15 provide operative dates; to repeal the original sections; and to declare
16 an emergency."

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Smith filed the following amendment to LB989:
AM2894

(Amendments to AM2787)

1 1. On page 2, line 27; and page 3, line 18, after the comma insert
2 "including, but not limited to, safely negotiating railroad crossings".
3 2. On page 2, line 28; and page 3, line 19, after "department"
4 insert ". The department shall consult with the railroad companies
5 operating in this state when seeking an exemption that affects vehicle
6 operations at railroad crossings".

Senator Pansing Brooks filed the following amendment to LB845:
AM2868

1 1. Strike original section 3 and insert the following new sections:
2 Section 1. Section 42-1301, Revised Statutes Supplement, 2017, is

3 amended to read:

4 ~~42-1301~~ For purposes of sections 1 to 13 of this act 42-1301 to
5 ~~42-1304~~:

6 (1) Adult child means an individual who is at least nineteen years
7 of age and who is related to a resident biologically, through adoption,
8 through the marriage or former marriage of the resident to the biological
9 parent of the adult child, or by a judgment of parentage entered by a
10 court of competent jurisdiction;

11 (2) Caregiver means a guardian, a designee under a power of attorney
12 for health care, or another person or entity denying visitation access
13 between a family member petitioner and a resident;

14 (3) ~~(2)~~ Family member petitioner means the spouse, adult child,
15 adult grandchild, parent, grandparent, sibling, aunt, uncle, niece,
16 nephew, cousin, or domestic partner of a resident;

17 (4) Guardian ad litem has the definition found in section 30-2601;

18 (5) Isolation has the definition found in section 28-358.01;

19 (6) ~~(3)~~ Resident means an adult resident of:

20 (a) A health care facility as defined in section 71-413; or

21 (b) Any home or other residential dwelling in which the resident is
22 receiving care and services from any person; ~~and~~

23 (7) ~~(4)~~ Visitation means an in-person meeting or any telephonic,
24 written, or electronic communication; ~~and~~ -

25 (8) Visitor means a person appointed pursuant to section 30-2619.01.

26 Sec. 2. Section 42-1302, Revised Statutes Supplement, 2017, is

27 amended to read:

1 ~~42-1302 (1)~~ It is the intent of the Legislature that, in order to
2 allow family member petitioners ~~members~~ to remain connected, a caregiver
3 may not arbitrarily deny visitation to a family member petitioner of a
4 resident, whether or not the caregiver is related to such family member
5 petitioner, unless such action is authorized by a nursing home
6 administrator pursuant to section 71-6021.

7 ~~(2) If a family member is being denied visitation with a resident,~~
8 ~~the family member may petition the county court to compel visitation with~~
9 ~~the resident. If the resident has been appointed a guardian under the~~
10 ~~jurisdiction of a county court in Nebraska, the petition shall be filed~~
11 ~~in the county court having such jurisdiction. If there is no such~~
12 ~~guardianship, the petition shall be filed in the county court for the~~
13 ~~county in which the resident resides. The court may not issue an order~~
14 ~~compelling visitation if the court finds any of the following:~~

15 (a) The resident, while having the capacity to evaluate and
16 communicate decisions regarding visitation, expresses a desire to not
17 have visitation with the petitioner; or

18 (b) Visitation between the petitioner and the resident is not in the
19 best interests of the resident.

20 Sec. 3. (1) If a family member petitioner is being denied
21 visitation with a resident, the family member petitioner may petition the
22 county court to compel visitation with the resident. If a guardian has
23 been appointed for the resident under the jurisdiction of a county court,
24 the petition shall be filed in the county court having such jurisdiction.
25 If there is no such guardianship, the petition shall be filed in the
26 county court for the county in which the resident resides. The court may

27 not issue an order compelling visitation if the court finds any of the
28 following:

29 (a) The resident, while having the capacity to evaluate and
30 communicate decisions regarding visitation, expresses a desire to not
31 have visitation with the family member petitioner; or

1 (b) Visitation between the family member petitioner and the resident
2 is not in the best interests of the resident.

3 (2) In determining whether visitation between the family member
4 petitioner and the resident has been arbitrarily denied, the court may
5 consider factors including, but not limited to:

6 (a) The nature of relationship of the family member petitioner and
7 resident;

8 (b) The place where visitation rights will be exercised;

9 (c) The frequency and duration of the visits;

10 (d) The likely effect of visitation on resident; and

11 (e) The likelihood of onerously disrupting established lifestyle of
12 resident.

13 Sec. 4. Section 42-1303, Revised Statutes Supplement, 2017, is
14 amended to read:

15 ~~42-1303~~ If the petition filed pursuant to section 3 of this act
16 ~~42-1302~~ states that the resident's health is in significant decline or
17 that the resident's death may be imminent, the court shall conduct an
18 emergency hearing on the petition as soon as practicable and in no case
19 later than ten days after the date the petition is served upon the
20 resident and the caregiver. Each party to a contested proceeding for an
21 emergency order relating to visitation under this section shall offer a
22 verified information affidavit as an exhibit at the hearing before the
23 court. If the allegations made under this section to request an emergency
24 hearing are not made with probable cause, the court may order appropriate
25 remedies under section 5 of this act. Temporary orders may be issued in
26 the same manner as provided for guardianships. Temporary orders shall
27 expire ninety days after the entry of the temporary order unless good
28 cause is shown for continuation filed with the court.

29 Sec. 5. Section 42-1304, Revised Statutes Supplement, 2017, is
30 amended to read:

31 ~~42-1304~~ (1) Upon a motion by a party or upon the court's own
1 motion, if the court finds during a hearing pursuant to section 4 of this
2 act ~~42-1303~~ that a person is knowingly isolating the resident from
3 visitation by a family member petitioner, the court may order such person
4 to pay court costs and reasonable attorney's fees of the family member
5 petitioner and may order other appropriate remedies.

6 (2) No costs, fees, or other sanctions may be paid from the
7 resident's finances or estate.

8 (3) If the court determines that the family member petitioner did
9 not have probable cause for filing the petition, the court may order the
10 family member petitioner to pay court costs and reasonable attorney's
11 fees of the other parties and may order other appropriate remedies.

12 (4) Remedies may include the payment of the fees and costs of a
13 visitor or a guardian ad litem.

14 (5) An order may be entered prohibiting the family member petitioner
15 from filing another petition under sections 1 to 13 of this act in any

16 court in this state for any period of time determined appropriate by the
17 court for up to one year.

18 Sec. 6. (1) Any action under sections 1 to 13 of this act shall be
19 commenced by filing in the county court a verified petition described in
20 section 3 of this act. The family member petitioner shall include, if
21 reasonably ascertainable under oath, the places where the resident has
22 resided and the names and present addresses of the persons with whom the
23 resident has lived during the previous five years. The petition shall
24 include a statement under oath identifying whether:

25 (a) The family member petitioner has participated as a party, as a
26 witness, or in any other capacity or in any other proceeding concerning
27 custody or visitation with the resident and if so, identify the court,
28 the case number, and the date of any order which may affect visitation;

29 (b) The family member petitioner knows of any proceeding that could
30 affect the current proceeding relating to domestic violence, a protective
31 order, termination of parental rights, adoption, guardianship,
1 conservatorship, or habeas corpus or any other civil or criminal
2 proceeding, and if so, identify the court, the case number, and the date
3 of any order which may affect visitation;

4 (c) The family member petitioner knows the name and address of any
5 person not a party to the proceeding who has physical custody of, is
6 residing with, or is providing residential services to the resident and
7 if so, the name and address of such person;

8 (d) The resident needs a guardian ad litem or a visitor appointed;

9 (e) Any other state would have jurisdiction under the Nebraska
10 Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act;

11 (f) A bond or probation condition exists which would affect the
12 case; and

13 (g) The family member petitioner has filed petitions under section 3
14 of this act within the preceding five years and if so, the court, the
15 case number, and the date of any order resolving the prior petitions.

16 (2) Any matters which may be confidential under court rule or
17 statute shall be filed as a confidential document for review by the court
18 as to whether such matters shall remain filed as confidential matters.

19 (3) If the information required by subsection (1) of this section is
20 not furnished, the court, upon the motion of a party or its own motion,
21 may stay the proceeding until the information is furnished.

22 Sec. 7. Any proceeding involving a guardianship, conservatorship,
23 power of attorney for health care decisions, or power of attorney granted
24 by the resident may continue in the trial court while an appeal is
25 pending from an order granted under sections 1 to 13 of this act.

26 Sec. 8. At any point in a proceeding under sections 1 to 13 of this
27 act, the court may appoint a guardian ad litem or a visitor.

28 Sec. 9. (1) Jurisdiction under sections 1 to 13 of this act applies
29 to any resident who is in this state or for whom the provisions of
30 Nebraska Uniform Adult Guardianship and Protective Proceedings
31 Jurisdiction Act vests authority over such resident in the courts of this
1 state in a guardianship.

2 (2) Venue shall be determined pursuant to section 30-2212 and
3 section 3 of this act.

4 (3) The Supreme Court shall have the authority pursuant to section

5 30-2213 to establish rules to carry into effect the provisions of
6 sections 1 to 13 of this act.

7 (4) The notice provisions of section 30-2220 shall apply to a
8 proceeding under sections 1 to 13 of this act.

9 (5) When final orders relating to proceedings under sections 1 to 13
10 of this act are on appeal and such appeal is pending, the court that
11 issued such orders shall retain jurisdiction to provide for such orders
12 regarding visitation or other access or to prevent irreparable harm
13 during the pendency of such appeal or other appropriate orders in aid of
14 the appeal process. Such orders shall not be construed to prejudice any
15 party on appeal.

16 Sec. 10. Any order that is not intended as interlocutory or
17 temporary under sections 1 to 13 of this act shall be a final, appealable
18 order. Such order may be appealed to the Court of Appeals in the same
19 manner as an appeal from the district court directly to the Court of
20 Appeals. The Court of Appeals shall conduct its review in an expedited
21 manner and shall render its judgment and write its opinion, if any, as
22 speedily as possible. The court may modify an existing order granting
23 such visitation upon a showing that there has been a material change in
24 circumstances which justifies such modification and that the modification
25 would serve the best interests of the resident.

26 Sec. 11. In a proceeding under sections 1 to 13 of this act, the
27 court may examine any medical evidence in camera or issue any protective
28 discovery orders needed to comply with the provisions of federal Health
29 Insurance Portability and Accountability Act of 1996, any regulations
30 promulgated under such federal act, or any other provision of law.

31 Sec. 12. If the court enters a visitation order in a proceeding
1 under sections 1 to 13 of this act, it may set out a visitation schedule
2 including the time, place, and manner of visitation. Failure to comply
3 with the order may be the subject of a civil contempt proceeding and may
4 be subject to remedies under section 5 of this act. The court may provide
5 for an expiration date or a review date in its order, and such a
6 provision does not affect the appealability of an order under section 10
7 of this act.

8 Sec. 13. In a proceeding under sections 1 to 12 of this act, the
9 burden of proof is upon the family member petitioner to establish his or
10 her case by a preponderance of the evidence.

11 Sec. 14. Section 30-1601, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 30-1601 (1) In all matters arising under the Nebraska Probate Code
14 and in all matters in county court arising under the Nebraska Uniform
15 Trust Code, appeals may be taken to the Court of Appeals in the same
16 manner as an appeal from district court to the Court of Appeals.

17 (2) An appeal may be taken by any party and may also be taken by any
18 person against whom the final judgment or final order may be made or who
19 may be affected thereby.

20 (3) When the appeal is by someone other than a personal
21 representative, conservator, trustee, guardian, or guardian ad litem, the
22 appealing party shall, within thirty days after the entry of the judgment
23 or final order complained of, deposit with the clerk of the county court
24 a supersedeas bond or undertaking in such sum as the court shall direct,

25 with at least one good and sufficient surety approved by the court,
26 conditioned that the appellant will satisfy any judgment and costs that
27 may be adjudged against him or her, including costs under subsection (6)
28 of this section, unless the court directs that no bond or undertaking
29 need be deposited. If an appellant fails to comply with this subsection,
30 the Court of Appeals on motion and notice may take such action, including
31 dismissal of the appeal, as is just.

1 (4) The appeal shall be a supersedeas for the matter from which the
2 appeal is specifically taken, but not for any other matter. In appeals
3 pursuant to sections 30-2601 to 30-2661, upon motion of any party to the
4 action, the county court may remove the supersedeas or require the
5 appealing party to deposit with the clerk of the county court a bond or
6 other security approved by the court in an amount and conditioned in
7 accordance with sections 30-2640 and 30-2641. Once the appeal is
8 perfected, the court having jurisdiction over the appeal may, upon motion
9 of any party to the action, reimpose or remove the supersedeas or require
10 the appealing party to deposit with the clerk of the court a bond or
11 other security approved by the court in an amount and conditioned in
12 accordance with sections 30-2640 and 30-2641. Upon motion of any
13 interested person or upon the court's own motion, the county court may
14 appoint a special guardian or conservator pending appeal despite any
15 supersedeas order.

16 (5) The judgment of the Court of Appeals shall not vacate the
17 judgment in the county court. The judgment of the Court of Appeals shall
18 be certified without cost to the county court for further proceedings
19 consistent with the determination of the Court of Appeals.

20 (6) If it appears to the Court of Appeals that an appeal was taken
21 vexatiously or for delay, the court shall adjudge that the appellant
22 shall pay the cost thereof, including an attorney's fee, to the adverse
23 party in an amount fixed by the Court of Appeals, and any bond required
24 under subsection (3) of this section shall be liable for the costs. In a
25 proceeding under sections 1 to 13 of this act, the Court of Appeals may
26 also order remedies under section 5 of this act.

27 Sec. 15. Section 30-2201, Reissue Revised Statutes of Nebraska, is
28 amended to read:
29 30-2201 Sections 30-401 to 30-406, 30-2201 to 30-2902, 30-3901 to
30 30-3923, 30-4001 to 30-4045, and 30-4201 to 30-4210 and sections 1 to 13
31 of this act and the Public Guardianship Act shall be known and may be
1 cited as the Nebraska Probate Code.

2 Sec. 18. Original sections 30-1601, 30-2201, and 42-364, Reissue
3 Revised Statutes of Nebraska, and sections 42-1301, 42-1302, 42-1303, and
4 42-1304, Revised Statutes Supplement, 2017, are repealed.

5 2. Renumber the remaining sections accordingly.

Senator Wishart filed the following amendment to LB989:
AM2896

1 1. Insert the following new section:

2 Sec. 2. Since an emergency exists, this act takes effect when
3 passed and approved according to law.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hilgers name added to LB738.
Senator Hilgers name added to LB1040.

VISITORS

Visitors to the Chamber were 30 fourth-grade students from Elmwood Murdock Elementary; 14 winning art students, teachers, and sponsors from Casetellar Elementary, Gomez Heritage Elementary, and R.M. Marrs Magnet School in Omaha; and 20 fourth-grade students and teachers from St. Joan of Arc School, Omaha.

RECESS

At 11:54 a.m., on a motion by Senator Kuehn, 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 Chambers, Groene, Howard, McCollister, Morfeld, Watermeier, and Wayne who were excused until they arrive.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 861. Placed on Final Reading.

ST63

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

1. The E & R amendments, ER121, have been struck.
2. On page 1, the matter beginning with "require" in line 1 through line 2 has been struck and "authorize claims to the state for certain prosecution costs as prescribed; to define terms; to provide powers and duties for the Risk Manager; and to provide for applicability." inserted.

(Signed) Anna Wishart, Chairperson

GENERAL FILE

LEGISLATIVE BILL 989. Senator Friesen offered his motion, MO324, found on page 1423, to recommit to the Transportation and Telecommunications Committee.

The Friesen motion to recommit to committee failed with 14 ayes, 16 nays, 16 present and not voting, and 3 excused and not voting.

Senator Friesen withdrew his amendment, AM2828, found on page 1423.

Senator Friesen offered the following amendment to the committee amendment:

AM2881

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

2 insert the following new sections:

3 Section 1. For purposes of sections 1 to 8 of this act, the

4 following definitions apply:

5 (1) Automated driving system means the hardware and software that
6 are collectively capable of performing the entire dynamic driving task on
7 a sustained basis regardless of whether it is limited to a specific

8 operational design domain, if any;

9 (2) Automated driving system-equipped vehicle means a motor vehicle
10 equipped with an automated driving system;

11 (3) Conventional human driver means a human person who manually
12 exercises in-vehicle braking, accelerating, steering, and transmission
13 gear selection input devices in order to operate a motor vehicle;

14 (4) Driverless-capable vehicle means a motor vehicle equipped with
15 an automated driving system capable of performing all aspects of the
16 dynamic driving task within its operational design domain, if any,
17 including achieving a minimal risk condition, without any intervention or
18 supervision by a conventional human driver;

19 (5) Department means the Department of Motor Vehicles;

20 (6) Dynamic driving task means all of the real-time operational and
21 tactical functions required to operate a motor vehicle within its
22 specific operational design domain, if any, excluding the strategic
23 functions such as trip scheduling and selection of destinations and
24 waypoints;

25 (7) Minimal risk condition means a reasonably safe state to which an
26 automated driving system brings an automated driving system-equipped
27 vehicle upon experiencing a performance-related failure of the vehicle's
1 automated driving system that renders the vehicle unable to perform the
2 entire dynamic driving task, such as bringing the vehicle to a complete
3 stop and activating the hazard lamps;

4 (8) On-demand driverless-capable vehicle network means a
5 transportation service network that uses a software application or other
6 digital means to dispatch driverless-capable vehicles for purposes of
7 transporting persons, including for-hire transportation, transportation
8 for compensation, and public transportation; and

9 (9) Operational design domain means a description of the specific
10 operating domain in which an automated driving system is designed to
11 properly operate, including, but not limited to, roadway types, speed
12 range, environmental conditions such as weather and time of day, and
13 other domain constraints.

14 Sec. 2. A driverless-capable vehicle may operate on the public
15 roads of this state without a conventional human driver physically
16 present in the vehicle, as long as the vehicle meets the following
17 conditions:

18 (1) The vehicle is capable of achieving a minimal risk condition if
19 a malfunction of the automated driving system occurs that renders the
20 system unable to perform the entire dynamic driving task within its
21 intended operational design domain, if any;

22 (2) While in driverless operation, the vehicle is capable of
23 operating in compliance with the applicable traffic and motor vehicle
24 safety laws and regulations of this state that govern the performance of
25 the dynamic driving task, unless an exemption has been granted by the
26 department; and

27 (3) When required by federal law, the vehicle has been certified in
28 accordance with federal regulations in 49 C.F.R. part 567, as such part
29 existed on January 1, 2018, as being in compliance with applicable
30 federal motor vehicle safety standards and the vehicle bears the required
31 certification label or labels including reference to any exemption
1 granted under applicable federal law.

2 Sec. 3. (1) Notwithstanding any other provision of law, the
3 operation on the public roads of this state of an automated driving
4 system-equipped vehicle capable of performing the entire dynamic driving
5 task within its operational design domain while a conventional human
6 driver is present is lawful. Such operation shall be subject to the
7 Nebraska Rules of the Road, as applicable. In addition, the conventional
8 human driver shall be licensed as required under the Motor Vehicle
9 Operator's License Act, shall remain subject to the Nebraska Rules of the
10 Road, shall operate the automated driving system-equipped vehicle
11 according to the manufacture's requirements and specifications, and shall
12 regain manual control of the vehicle upon the request of the automated
13 driving system.

14 (2) The automated driving system feature, while engaged, shall be
15 designed to operate within its operational design domain in compliance
16 with the Nebraska Rules of the Road, unless an exemption has been granted
17 by the department.

18 Sec. 4. Before an automated driving system-equipped vehicle may
19 operate on the public roads of this state, a person shall submit proof of
20 financial responsibility satisfactory to the department that the
21 automated driving system-equipped vehicle is covered by insurance or
22 proof of self-insurance that satisfies the requirements of the Motor
23 Vehicle Safety Responsibility Act.

24 Sec. 5. (1) Notwithstanding any other provision of law, a person
25 may operate an on-demand driverless-capable vehicle network. Such a
26 network may provide transportation of persons, including:

27 (a) For-hire transportation, including transportation for multiple
28 passengers who agree to share the ride in whole or in part; and
29 (b) Public transportation.
30 (2) An on-demand driverless-capable vehicle network may connect
31 passengers to driverless-capable vehicles either (a) exclusively or (b)
1 as part of a digital network that also connects passengers to human
2 drivers who provide transportation services, consistent with applicable
3 law, in vehicles that are not driverless-capable vehicles.
4 Sec. 6. Subject to section 2 of this act, the Nebraska Rules of the
5 Road shall not be construed as requiring a conventional human driver to
6 operate a driverless-capable vehicle that is being operated by an
7 automated driving system, and the automated driving system of such
8 vehicle, when engaged, shall be deemed to fulfill any physical acts
9 required of a conventional human driver to perform the dynamic driving
10 task.
11 Sec. 7. In the event of a crash or collision:
12 (1) The automated driving system-equipped vehicle shall remain on
13 the scene of the crash or collision and otherwise comply with sections
14 60-696 to 60-698; and
15 (2) The owner of the automated driving system-equipped vehicle, if
16 capable, or a person on behalf of the automated driving system-equipped
17 vehicle owner, shall report any crash or collision as required by section
18 60-698.
19 Sec. 8. (1) Automated driving system-equipped vehicles and
20 automated driving systems are governed exclusively by sections 1 to 8 of
21 this act. The department is the sole and exclusive state agency that may
22 implement sections 1 to 8 of this act.
23 (2) The state or any political subdivision shall not impose
24 requirements, including performance standards, specific to the operation
25 of automated driving system-equipped vehicles, automated driving systems,
26 or on-demand driverless-capable vehicle networks in addition to the
27 requirements of sections 1 to 8 of this act.
28 (3) The state or any political subdivision thereof shall not impose
29 a tax or other requirements on an automated driving system-equipped
30 vehicle, an automated driving system, or an on-demand driverless-capable
31 vehicle network, where such tax or other requirements relate specifically
1 to the operation of automated driving system-equipped vehicles.

Senator Friesen moved for a call of the house. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Senator Wishart requested a roll call vote, in reverse order, on the Friesen amendment.

Voting in the affirmative, 20:

Albrecht	Brewer	Erdman	Harr	Lowe
Baker	Briese	Friesen	Krist	Stinner
Bostelman	Chambers	Groene	Kuehn	Watermeier
Brasch	Clements	Halloran	Linehan	Williams

Voting in the negative, 26:

Blood	Hilgers	Larson	Quick	Wayne
Bolz	Hilkemann	Lindstrom	Riepe	Wishart
Crawford	Howard	McDonnell	Scheer	
Ebke	Hughes	Morfeld	Schumacher	
Geist	Kolowski	Murante	Thibodeau	
Hansen	Kolterman	Pansing Brooks	Walz	

Present and not voting, 3:

McCollister	Smith	Vargas
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The Friesen amendment lost with 20 ayes, 26 nays, and 3 present and not voting.

The Chair declared the call raised.

Senator Friesen offered the following amendment to the committee amendment:

AM2879 is available in the Bill Room.

Senator Friesen asked unanimous consent to withdraw his amendment, AM2879, found in this day's Journal, and replace it with his substitute amendment, AM2892, to the committee amendment.

AM2892 is available in the Bill Room.

Senator Wishart objected.

Senator Friesen offered the following motion:

MO337

Withdraw AM2879 and substitute AM2892.

Senator Friesen moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Senator Friesen requested a roll call vote on the motion to substitute his amendment.

Voting in the affirmative, 12:

Bostelman	Briese	Friesen	Kuehn
Brasch	Chambers	Halloran	Lowe
Brewer	Erdman	Hughes	Schumacher

Voting in the negative, 33:

Albrecht	Groene	Kolterman	Murante	Thibodeau
Baker	Hansen	Krist	Pansing Brooks	Vargas
Blood	Harr	Larson	Quick	Watermeier
Bolz	Hilgers	Linehan	Riepe	Williams
Crawford	Hilkemann	McCollister	Scheer	Wishart
Ebke	Howard	McDonnell	Smith	
Geist	Kolowski	Morfeld	Stinner	

Present and not voting, 4:

Clements	Lindstrom	Walz	Wayne
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The Friesen motion to substitute his amendment failed with 12 ayes, 33 nays, and 4 present and not voting.

Senator Friesen offered his amendment, AM2879, found in this day's Journal, to the committee amendment.

Senator Friesen offered the following motion:

MO338

Suspend Rule 7, Sec. 3(d) to permit consideration of AM2879.

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

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

Senator Wishart requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 34:

Albrecht	Groene	Kolterman	Morfeld	Smith
Baker	Hansen	Krist	Murante	Stinner
Blood	Harr	Larson	Pansing Brooks	Thibodeau
Bolz	Hilgers	Lindstrom	Quick	Walz
Crawford	Hilkemann	Linehan	Riepe	Williams
Ebke	Howard	McCollister	Scheer	Wishart
Geist	Kolowski	McDonnell	Schumacher	

Voting in the negative, 12:

Bostelman	Briese	Friesen	Kuehn
Brasch	Clements	Halloran	Lowe
Brewer	Erdman	Hughes	Watermeier

Present and not voting, 2:

Chambers Vargas

Excused and not voting, 1:

Wayne

The motion to cease debate prevailed with 34 ayes, 12 nays, 2 present and not voting, and 1 excused and not voting.

The Friesen motion to suspend the rules failed with 10 ayes, 29 nays, and 10 present and not voting.

The Chair declared the call raised.

Senator Smith offered the following amendment to the committee amendment:

AM2890

(Amendments to AM2787)

- 1 1. On page 2, line 27; and page 3, line 18, after the comma insert
- 2 "including, but not limited to, safely negotiating railroad crossings.".
- 3 2. On page 2, line 28; and page 3, line 19, after "department"
- 4 insert ". The department shall consult with the railroad companies
- 5 operating in this state when seeking an exemption that affects vehicle
- 6 operations at railroad crossings".

Senator Smith asked unanimous consent to withdraw his amendment, AM2890, found in this day's Journal, and replace it with his substitute amendment, AM2899, to the committee amendment.

AM2899

(Amendments to Standing Committee amendments, AM2612)

- 1 1. Strike amendment 1 and insert the following new amendment:
- 2 1. Strike the original sections and insert the following new
- 3 sections:
- 4 Section 1. For purposes of sections 1 to 10 of this act, the
- 5 following definitions apply:
- 6 (1) Automated driving system means the hardware and software that
- 7 are collectively capable of performing the entire dynamic driving task on
- 8 a sustained basis regardless of whether it is limited to a specific
- 9 operational design domain, if any;
- 10 (2) Automated driving system-equipped vehicle means a motor vehicle
- 11 equipped with an automated driving system;
- 12 (3) Conventional human driver means a human person who manually
- 13 exercises in-vehicle braking, accelerating, steering, and transmission
- 14 gear selection input devices in order to operate a motor vehicle;
- 15 (4) Driverless capable vehicle means a motor vehicle equipped with
- 16 an automated driving system capable of performing all aspects of the
- 17 dynamic driving task within its operational design domain, if any,

18 including achieving a minimal risk condition, without any intervention or
19 supervision by a conventional human driver;

20 (5) Department means the Department of Motor Vehicles;

21 (6) Dynamic driving task means all of the real-time operational and
22 tactical functions required to operate a motor vehicle within its
23 specific operational design domain, if any, excluding the strategic
24 functions such as trip scheduling and selection of destinations and
25 waypoints;

26 (7) Minimal risk condition means a reasonably safe state to which an
1 automated driving system brings an automated driving system-equipped
2 vehicle upon experiencing a performance-related failure of the vehicle's
3 automated driving system that renders the vehicle unable to perform the
4 entire dynamic driving task, such as bringing the vehicle to a complete
5 stop and activating the hazard lamps;

6 (8) On-demand driverless capable vehicle network means a
7 transportation service network that uses a software application or other
8 digital means to dispatch driverless capable vehicles for purposes of
9 transporting persons or goods, including for-hire transportation,
10 transportation for compensation, and public transportation; and

11 (9) Operational design domain means a description of the specific
12 operating domain in which an automated driving system is designed to
13 properly operate, including, but not limited to, roadway types, speed
14 range, environmental conditions such as weather and time of day, and
15 other domain constraints.

16 Sec. 2. A driverless capable vehicle may operate on the public
17 roads of this state without a conventional human driver physically
18 present in the vehicle, as long as the vehicle meets the following
19 conditions:

20 (1) The vehicle is capable of achieving a minimal risk condition if
21 a malfunction of the automated driving system occurs that renders the
22 system unable to perform the entire dynamic driving task within its
23 intended operational design domain, if any; and

24 (2) While in driverless operation, the vehicle is capable of
25 operating in compliance with the applicable traffic and motor vehicle
26 safety laws and regulations of this state that govern the performance of
27 the dynamic driving task, including, but not limited to, safely
28 negotiating railroad crossings, unless an exemption has been granted by
29 the department. The department shall consult with the railroad companies
30 operating in this state when considering an exemption that affects
31 vehicle operations at railroad crossings.

1 Sec. 3. (1) Notwithstanding any other provision of law, the
2 operation on the public roads of this state of an automated driving
3 system-equipped vehicle capable of performing the entire dynamic driving
4 task within its operational design domain while a conventional human
5 driver is present is lawful. Such operation shall be subject to the
6 Nebraska Rules of the Road, as applicable. In addition, the conventional
7 human driver shall be licensed as required under the Motor Vehicle
8 Operator's License Act, shall remain subject to the Nebraska Rules of the
9 Road, shall operate the automated driving system-equipped vehicle
10 according to the manufacture's requirements and specifications, and shall
11 regain manual control of the vehicle upon the request of the automated

12 driving system.

13 (2) The automated driving system feature, while engaged, shall be
14 designed to operate within its operational design domain in compliance
15 with the Nebraska Rules of the Road, including, but not limited to,
16 safely negotiating railroad crossings, unless an exemption has been
17 granted by the department. The department shall consult with the railroad
18 companies operating in this state when considering an exemption that
19 affects vehicle operations at railroad crossings.

20 Sec. 4. Before an automated driving system-equipped vehicle may
21 operate on the public roads of this state, a person shall submit proof of
22 financial responsibility satisfactory to the department that the
23 automated driving system-equipped vehicle is covered by insurance or
24 proof of self-insurance that satisfies the requirements of the Motor
25 Vehicle Safety Responsibility Act.

26 Sec. 5. (1) Notwithstanding any other provision of law, a person
27 may operate an on-demand driverless capable vehicle network. Such a
28 network may provide transportation of persons or goods, including:
29 (a) For-hire transportation, including transportation for multiple
30 passengers who agree to share the ride in whole or in part; and
31 (b) Public transportation.

1 (2) An on-demand driverless capable vehicle network may connect
2 passengers to driverless capable vehicles either (a) exclusively or (b)
3 as part of a digital network that also connects passengers to human
4 drivers who provide transportation services, consistent with applicable
5 law, in vehicles that are not driverless-capable vehicles.

6 Sec. 6. Subject to section 2 of this act, the Nebraska Rules of the
7 Road shall not be construed as requiring a conventional human driver to
8 operate a driverless capable vehicle that is being operated by an
9 automated driving system, and the automated driving system of such
10 vehicle, when engaged, shall be deemed to fulfill any physical acts
11 required of a conventional human driver to perform the dynamic driving
12 task.

13 Sec. 7. In the event of a crash or collision:

14 (1) The automated driving system-equipped vehicle shall remain on
15 the scene of the crash or collision and otherwise comply with sections
16 60-696 to 60-698; and

17 (2) The owner of the automated driving system-equipped vehicle, if
18 capable, or a person on behalf of the automated driving system-equipped
19 vehicle owner, shall report any crash or collision as required by section
20 60-698.

21 Sec. 8. (1) Automated driving system-equipped vehicles and
22 automated driving systems are governed exclusively by sections 1 to 8 of
23 this act. The department is the sole and exclusive state agency that may
24 implement sections 1 to 10 of this act.

25 (2) The state or any political subdivision shall not impose
26 requirements, including performance standards, specific to the operation
27 of automated driving system-equipped vehicles, automated driving systems,
28 or on-demand driverless capable vehicle networks in addition to the
29 requirements of sections 1 to 10 of this act.

30 (3) The state or any political subdivision thereof shall not impose
31 a tax or other requirements on an automated driving system-equipped

1 vehicle, an automated driving system, or an on-demand driverless capable
 2 vehicle network, where such tax or other requirements relate specifically
 3 to the operation of automated driving system-equipped vehicles.
 4 Sec. 9. Nothing in sections 1 to 10 of this act shall be construed
 5 to require the State of Nebraska or any political subdivision thereof to
 6 plan, design, construct, maintain, or modify any highway, as defined in
 7 section 60-624, for the accommodation of an autonomous vehicle.
 8 Sec. 10. Nothing in sections 1 to 10 of this act shall be construed
 9 to provide greater liability than is already allowed under the Political
 10 Subdivisions Tort Claims Act or the State Tort Claims Act.

Senator Friesen objected.

Senator Smith offered the following motion:

MO339

Withdraw AM2890 and substitute AM2899.

Senator Friesen withdrew his objection to substitute.

The Smith amendment, AM2899, found in this day's Journal, to the committee amendment, was renewed.

Senator Wishart offered the following motion:

MO340

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Wishart moved for a call of the house. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

Senator Wishart requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 37:

Albrecht	Hansen	Krist	Pansing Brooks	Vargas
Baker	Harr	Larson	Quick	Walz
Blood	Hilgers	Lindstrom	Riepe	Wayne
Bolz	Hilkemann	Linehan	Scheer	Williams
Brewer	Howard	McCollister	Schumacher	Wishart
Crawford	Hughes	McDonnell	Smith	
Ebke	Kolowski	Morfeld	Stinner	
Geist	Kolterman	Murante	Thibodeau	

Voting in the negative, 8:

Bostelman	Clements	Friesen	Lowe
Chambers	Erdman	Halloran	Watermeier

Present and not voting, 2:

Brasch	Briese
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Excused and not voting, 2:

Groene Kuehn

The Wishart motion to invoke cloture prevailed with 37 ayes, 8 nays, 2 present and not voting, and 2 excused and not voting.

The Smith amendment, AM2899, to the committee amendment, was adopted with 33 ayes, 9 nays, 5 present and not voting, and 2 excused and not voting.

The committee amendment, AM2612, as amended, was adopted with 32 ayes, 10 nays, 5 present and not voting, and 2 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 33:

Baker	Harr	Lindstrom	Quick	Vargas
Blood	Hilgers	Linehan	Riepe	Walz
Bolz	Hilkemann	McCollister	Scheer	Wayne
Crawford	Howard	McDonnell	Schumacher	Williams
Ebke	Kolowski	Morfeld	Smith	Wishart
Geist	Kolterman	Murante	Stinner	
Hansen	Larson	Pansing Brooks	Thibodeau	

Voting in the negative, 13:

Albrecht	Brewer	Clements	Halloran	Watermeier
Bostelman	Briese	Erdman	Hughes	
Brasch	Chambers	Friesen	Lowe	

Present and not voting, 1:

Krist

Excused and not voting, 2:

Groene Kuehn

Advanced to Enrollment and Review Initial with 33 ayes, 13 nays, 1 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 791. Senator Albrecht asked unanimous consent to withdraw her amendment, AM2729, found on page 1306 and considered on page 1375, and replace it with the Ebke substitute amendment, AM2880, found on page 1474, to the committee amendment. No objections. So ordered.

SPEAKER SCHEER PRESIDING

SENATOR WILLIAMS PRESIDING

Senator Ebke offered the following motion:

MO342

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Ebke moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

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

Voting in the affirmative, 34:

Albrecht	Clements	Hilgers	Lowe	Thibodeau
Baker	Ebke	Hilkemann	Murante	Vargas
Bostelman	Erdman	Hughes	Riepe	Watermeier
Brasch	Friesen	Kolterman	Scheer	Wayne
Brewer	Geist	Kuehn	Schumacher	Williams
Briese	Groene	Lindstrom	Smith	Wishart
Chambers	Halloran	Linehan	Stinner	

Voting in the negative, 3:

Blood	Bolz	Quick
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Present and not voting, 8:

Crawford	Harr	Krist	Pansing Brooks
Hansen	Kolowski	McDonnell	Walz

Excused and not voting, 4:

Howard	Larson	McCollister	Morfeld
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The Ebke motion to invoke cloture prevailed with 34 ayes, 3 nays, 8 present and not voting, and 4 excused and not voting.

The Ebke amendment, AM2880, was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

The committee amendment, AM2708, as amended, was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 791A. Title read. Considered.

Senator Ebke offered the following motion:

MO341

Indefinitely postpone.

The Ebke motion to indefinitely postpone prevailed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 994. Placed on Final Reading.

LEGISLATIVE BILL 994A. Placed on Final Reading.

LEGISLATIVE BILL 1081. Placed on Final Reading.

LEGISLATIVE BILL 1081A. Placed on Final Reading.

LEGISLATIVE BILL 1089. Placed on Final Reading.

ST64

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

1. On page 1, line 2, "77-3505.02" has been struck and "77-118, 77-3505.02," inserted; and in line 7, "to change provisions relating to the effect of purchases of certain depreciable property on the Nebraska adjusted basis;" has been inserted after the semicolon.

(Signed) Anna Wishart, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 487. Introduced by McDonnell, 5.

WHEREAS, Senator Terry Carpenter, representing Legislative District 48, introduced Legislative Bill 15 during the Eightieth Session in 1969; and

WHEREAS, LB 15 was co-sponsored by Sen. William K. Skarda, Jr., District 7; Sen. Eugene T. Mahoney, District 5; Sen. Bill K. Bloom, District 20; and Sen. Henry F. Pedersen, Jr., District 4; and

WHEREAS, LB 15 established the right of public employees to collectively bargain for wages, safety, and benefits; and

WHEREAS, LB 15 was approved on April 29, 1969, and 2019 will mark fifty full years of collective bargaining rights for Nebraska public employees.

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

1. That the Legislature designates April 29, 2019, as Public Employee Collective Bargaining Day in Nebraska.

2. That Nebraskans are encouraged to recognize, commemorate, and celebrate the history and importance of collective bargaining in the State of Nebraska.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Blood filed the following amendment to LB989:
AM2865

(Amendments to AM2787)

1 1. Insert the following new sections:

2 Sec. 9. Section 28-101, Revised Statutes Supplement, 2017, is
3 amended to read:

4 28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and
5 sections 10 to 13 of this act shall be known and may be cited as the
6 Nebraska Criminal Code.

7 Sec. 10. Sections 10 to 13 of this act shall be known and may be
8 cited as the Counterfeit Airbag Prevention Act.

9 Sec. 11. For purposes of the Counterfeit Airbag Prevention Act,
10 unless the context otherwise requires:

11 (1) Airbag means a motor vehicle inflatable occupant restraint
12 system device that is part of a supplemental restraint system;

13 (2) Counterfeit supplemental restraint system component means a
14 replacement supplemental restraint system component that displays a mark
15 identical or substantially similar to the genuine mark of a motor vehicle
16 manufacturer or a supplier of parts to the manufacturer of a motor
17 vehicle without authorization from that manufacturer or supplier,
18 respectively;

19 (3) Nonfunctional airbag means a replacement airbag that meets any
20 of the following criteria:

21 (a) The airbag was previously deployed or damaged;

22 (b) The airbag has an electric fault that is detected by the motor
23 vehicle's diagnostic system when the installation procedure is completed
24 and the motor vehicle is returned to the customer who requested the work
25 to be performed or when ownership is intended to be transferred;

26 (c) The airbag includes a part or object, including, but not limited
1 to, a supplemental restraint system component installed in a motor
2 vehicle to mislead the owner or operator of the motor vehicle into
3 believing that a functional airbag has been installed; or

4 (d) The airbag is subject to the prohibitions of subsection (j) of
5 49 U.S.C. 30120, as such subsection existed on January 1, 2018; and

6 (4) Supplemental restraint system means an inflatable restraint
7 system as defined in 49 C.F.R. 571.208, as such regulation existed on
8 January 1, 2018, designed for use in conjunction with an active safety
9 system. A supplemental restraint system includes one or more airbags and
10 all components required to ensure that an airbag works as designed by the
11 motor vehicle manufacturer, including both of the following:

12 (a) The airbag operates as necessary in the event of a crash; and

13 (b) The airbag is designed in accordance with federal motor vehicle
14 safety standards for the specific make, model, and year of the motor
15 vehicle in which it is or will be installed.
16 Sec. 12. A person violates the Counterfeit Airbag Prevention Act if
17 the person does any of the following:
18 (1) Knowingly and intentionally manufactures, imports, installs,
19 reinstalls, distributes, sells, or offers for sale any device intended to
20 replace a supplemental restraint system component in any motor vehicle if
21 the device is a counterfeit supplemental restraint system component, a
22 nonfunctional airbag, or does not meet federal safety requirements as
23 provided in 49 C.F.R. 571.208, as such regulation existed on January 1,
24 2018;
25 (2) Knowingly and intentionally sells, installs, or reinstalls in a
26 motor vehicle a device that causes the motor vehicle's diagnostic system
27 to fail to warn when the motor vehicle is equipped with a counterfeit
28 supplemental restraint system component, nonfunctional airbag, or no
29 airbag is installed;
30 (3) Knowingly and intentionally represents to another person that a
31 counterfeit supplemental restraint system component or nonfunctional
1 airbag installed in a motor vehicle is not a counterfeit supplemental
2 restraint system component or a nonfunctional airbag; or
3 (4) Causes another person to violate this section or assists another
4 person in violating this section.
5 Sec. 13. (1) Except as otherwise provided in this section, a
6 violation of the Counterfeit Airbag Prevention Act is a Class IV felony.
7 (2) A violation of the Counterfeit Airbag Prevention Act is a Class
8 IIIA felony if the defendant has been previously convicted of a violation
9 of the act.
10 (3) A violation of the Counterfeit Airbag Prevention Act is a Class
11 III felony if the violation resulted in an individual suffering bodily
12 injury.
13 (4) A violation of the Counterfeit Airbag Prevention Act is a Class
14 IIA felony if the violation resulted in an individual suffering serious
15 bodily injury.
16 (5) A violation of the Counterfeit Airbag Prevention Act is a Class
17 II felony if the violation resulted in the death of an individual.
18 Sec. 14. Original section 28-101, Revised Statutes Supplement,
19 2017, is repealed.
20 Sec. 15. The following section is outright repealed: Section
21 28-635, Reissue Revised Statutes of Nebraska.

Senator Hansen filed the following amendment to LB791:
AM2901

(Amendments to Standing Committee amendments, AM2708)

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

Senator Hansen filed the following amendment to LB791:

AM2903

(Amendments to Standing Committee amendments, AM2708)

- 1 1. Strike section 3.
- 2 2. On page 1, line 15, strike "ten" and insert "five"; in line 18
- 3 strike "a record of"; strike beginning with "misconduct" in line 19
- 4 through "agency" in line 21 and insert "officer conduct which could
- 5 constitute grounds for revocation or suspension of a law enforcement
- 6 certification by the Nebraska Commission on Law Enforcement and Criminal
- 7 Justice"; and in line 26 strike "and" and insert "or".
- 8 3. On page 2, line 13, strike "and" and insert "or".
- 9 4. On page 3, line 10, strike "Upon" and insert "Within ten calendar
- 10 days after"; and in line 28 strike "under section 81-1414".
- 11 5. On page 6, line 31, strike beginning with "any" through "state"
- 12 and insert "the Nebraska State Patrol".
- 13 6. On page 7, strike line 1; after line 1 insert the following new
- 14 subdivision:
- 15 "(13) Have the authority to disclose to the Legislature, the
- 16 Superintendent of Law Enforcement and Public Safety, or a complainant the
- 17 status or outcome of an internal investigation or discipline of a member
- 18 of the Nebraska State Patrol; and"; and in line 2 strike "(13)" and
- 19 insert "(14)".
- 20 7. Renumber the remaining sections and correct the repealer
- 21 accordingly.

RECESS

At 6:00 p.m., on a motion by Senator Groene, the Legislature recessed until 6:30 p.m.

AFTER RECESS

The Legislature reconvened at 6:30 p.m., Senator Williams presiding.

ROLL CALL

The roll was called and all members were present except Senators Baker and McCollister who were excused; and Senators Brieese, Friesen, Hansen, Howard, Kuehn, Larson, McDonnell, Morfeld, Pansing Brooks, Quick, Scheer, Watermeier, and Wayne who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 948. Senator Harr renewed his amendment, AM2473, found on page 1048, to the committee amendment.

Senator Harr moved for a call of the house. The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Senator Harr requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 5:

Chambers Kolowski Krist Pansing Brooks Schumacher

Voting in the negative, 33:

Albrecht	Ebke	Hilkemann	McDonnell	Vargas
Blood	Erdman	Hughes	Murante	Walz
Bostelman	Friesen	Kolterman	Quick	Watermeier
Brasch	Geist	Kuehn	Riepe	Williams
Brewer	Groene	Lindstrom	Scheer	Wishart
Briese	Halloran	Linehan	Stinner	
Clements	Hilgers	Lowe	Thibodeau	

Present and not voting, 4:

Bolz Crawford Hansen Harr

Excused and not voting, 7:

Baker	Larson	Morfeld	Wayne
Howard	McCollister	Smith	

The Harr amendment lost with 5 ayes, 33 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO343

Recommit to the Government, Military and Veterans Affairs Committee.

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

The Chambers motion to recommit to committee failed with 7 ayes, 32 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senators Murante offered the following motion:

MO344

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Murante moved for a call of the house. The motion prevailed with 24 ayes, 2 nays, and 23 not voting.

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

Voting in the affirmative, 33:

Albrecht	Clements	Hilkemann	Lowe	Thibodeau
Blood	Erdman	Hughes	McDonnell	Watermeier
Bolz	Friesen	Kolterman	Murante	Wayne
Bostelman	Geist	Kuehn	Riepe	Williams
Brasch	Groene	Larson	Scheer	Wishart
Brewer	Halloran	Lindstrom	Smith	
Briese	Hilgers	Linehan	Stinner	

Voting in the negative, 4:

Chambers	Harr	Kolowski	Krist
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Present and not voting, 9:

Crawford	Hansen	Pansing Brooks	Schumacher	Walz
Ebke	Howard	Quick	Vargas	

Excused and not voting, 3:

Baker	McCollister	Morfeld
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The Murante motion to invoke cloture prevailed with 33 ayes, 4 nays, 9 present and not voting, and 3 excused and not voting.

The committee amendment, AM1931, was adopted with 33 ayes, 5 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 5 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORT(S) Enrollment and Review

LEGISLATIVE BILL 989. Placed on Select File with amendment.

ER182

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

3 Section 1. For purposes of sections 1 to 10 of this act, the
4 following definitions apply:

5 (1) Automated driving system means the hardware and software that
6 are collectively capable of performing the entire dynamic driving task on
7 a sustained basis regardless of whether it is limited to a specific
8 operational design domain, if any;

- 9 (2) Automated-driving-system-equipped vehicle means a motor vehicle
10 equipped with an automated driving system;
- 11 (3) Conventional human driver means a human person who manually
12 exercises in-vehicle braking, accelerating, steering, and transmission
13 gear selection input devices in order to operate a motor vehicle;
- 14 (4) Department means the Department of Motor Vehicles;
- 15 (5) Driverless-capable vehicle means a motor vehicle equipped with
16 an automated driving system capable of performing all aspects of the
17 dynamic driving task within its operational design domain, if any,
18 including achieving a minimal risk condition, without any intervention or
19 supervision by a conventional human driver;
- 20 (6) Dynamic driving task means all of the real-time operational and
21 tactical functions required to operate a motor vehicle within its
22 specific operational design domain, if any, excluding the strategic
23 functions such as trip scheduling and selection of destinations and
24 waypoints;
- 25 (7) Minimal risk condition means a reasonably safe state to which an
26 automated driving system brings an automated-driving-system-equipped
27 vehicle upon experiencing a performance-related failure of the vehicle's
1 automated driving system that renders the vehicle unable to perform the
2 entire dynamic driving task, such as bringing the vehicle to a complete
3 stop and activating the hazard lamps;
- 4 (8) On-demand driverless-capable vehicle network means a
5 transportation service network that uses a software application or other
6 digital means to dispatch driverless-capable vehicles for purposes of
7 transporting persons or goods, including for-hire transportation,
8 transportation for compensation, and public transportation; and
- 9 (9) Operational design domain means a description of the specific
10 operating domain in which an automated driving system is designed to
11 properly operate, including, but not limited to, roadway types, speed
12 range, environmental conditions such as weather and time of day, and
13 other domain constraints.
- 14 Sec. 2. A driverless-capable vehicle may operate on the public
15 roads of this state without a conventional human driver physically
16 present in the vehicle, as long as the vehicle meets the following
17 conditions:
- 18 (1) The vehicle is capable of achieving a minimal risk condition if
19 a malfunction of the automated driving system occurs that renders the
20 system unable to perform the entire dynamic driving task within its
21 intended operational design domain, if any; and
- 22 (2) While in driverless operation, the vehicle is capable of
23 operating in compliance with the applicable traffic and motor vehicle
24 safety laws and regulations of this state that govern the performance of
25 the dynamic driving task, including, but not limited to, safely
26 negotiating railroad crossings, unless an exemption has been granted by
27 the department. The department shall consult with the railroad companies
28 operating in this state when considering an exemption that affects
29 vehicle operations at railroad crossings.
- 30 Sec. 3. (1) Notwithstanding any other provision of law, the

31 operation on the public roads of this state of an automated-driving-
1 system-equipped vehicle capable of performing the entire dynamic driving
2 task within its operational design domain while a conventional human
3 driver is present is lawful. Such operation shall be subject to the
4 Nebraska Rules of the Road, as applicable. In addition, the conventional
5 human driver shall be licensed as required under the Motor Vehicle
6 Operator's License Act, shall remain subject to the Nebraska Rules of the
7 Road, shall operate the automated-driving-system-equipped vehicle
8 according to the manufacturer's requirements and specifications, and
9 shall regain manual control of the vehicle upon the request of the
10 automated driving system.

11 (2) The automated driving system feature, while engaged, shall be
12 designed to operate within its operational design domain in compliance
13 with the Nebraska Rules of the Road, including, but not limited to,
14 safely negotiating railroad crossings, unless an exemption has been
15 granted by the department. The department shall consult with the railroad
16 companies operating in this state when considering an exemption that
17 affects vehicle operations at railroad crossings.

18 Sec. 4. Before an automated-driving-system-equipped vehicle may
19 operate on the public roads of this state, a person shall submit proof of
20 financial responsibility satisfactory to the department that the
21 automated-driving-system-equipped vehicle is covered by insurance or
22 proof of self-insurance that satisfies the requirements of the Motor
23 Vehicle Safety Responsibility Act.

24 Sec. 5. (1) Notwithstanding any other provision of law, a person
25 may operate an on-demand driverless-capable vehicle network. Such a
26 network may provide transportation of persons or goods, including:
27 (a) For-hire transportation, including transportation for multiple
28 passengers who agree to share the ride in whole or in part; and
29 (b) Public transportation.

30 (2) An on-demand driverless-capable vehicle network may connect
31 passengers to driverless-capable vehicles either (a) exclusively or (b)
1 as part of a digital network that also connects passengers to human
2 drivers who provide transportation services, consistent with applicable
3 law, in vehicles that are not driverless-capable vehicles.

4 Sec. 6. Subject to section 2 of this act, the Nebraska Rules of the
5 Road shall not be construed as requiring a conventional human driver to
6 operate a driverless-capable vehicle that is being operated by an
7 automated driving system, and the automated driving system of such
8 vehicle, when engaged, shall be deemed to fulfill any physical acts
9 required of a conventional human driver to perform the dynamic driving
10 task.

11 Sec. 7. In the event of a crash or collision:

12 (1) The automated-driving-system-equipped vehicle shall remain on
13 the scene of the crash or collision and otherwise comply with sections
14 60-696 to 60-698; and

15 (2) The owner of the automated-driving-system-equipped vehicle, if
16 capable, or a person on behalf of the automated-driving-system-equipped
17 vehicle owner, shall report any crash or collision as required by section

18 60-698.

19 Sec. 8. (1) Automated-driving-system-equipped vehicles and
 20 automated driving systems are governed exclusively by sections 1 to 10 of
 21 this act. The department is the sole and exclusive state agency that may
 22 implement sections 1 to 10 of this act.

23 (2) The state or any political subdivision shall not impose
 24 requirements, including performance standards, specific to the operation
 25 of automated-driving-system-equipped vehicles, automated driving systems,
 26 or on-demand driverless-capable vehicle networks in addition to the
 27 requirements of sections 1 to 10 of this act.

28 (3) The state or any political subdivision thereof shall not impose
 29 a tax or other requirements on an automated-driving-system-equipped
 30 vehicle, an automated driving system, or an on-demand driverless-capable
 31 vehicle network, where such tax or other requirements relate specifically
 1 to the operation of automated-driving-system-equipped vehicles.

2 Sec. 9. Nothing in sections 1 to 10 of this act shall be construed
 3 to require the State of Nebraska or any political subdivision thereof to
 4 plan, design, construct, maintain, or modify any highway, as defined in
 5 section 60-624, for the accommodation of an autonomous vehicle.

6 Sec. 10. Nothing in sections 1 to 10 of this act shall be construed
 7 to provide greater liability than is already allowed under the Political
 8 Subdivisions Tort Claims Act or the State Tort Claims Act.

9 2. On page 1, strike beginning with "the" in line 1 through line 4
 10 and insert "automated-driving-system-equipped vehicles, automated driving
 11 systems, and driverless-capable vehicles as prescribed; to provide
 12 requirements, restrictions, and limitations; to provide powers and duties
 13 for the Department of Motor Vehicles; and to define terms."

(Signed) Anna Wishart, Chairperson

AMENDMENT(S) - Print in Journal

Senator Harr filed the following amendment to LB998:

FA149

Strike Section 1.

SELECT FILE

LEGISLATIVE BILL 731. ER166, found on page 1349, was adopted.

SENATOR LINDSTROM PRESIDING

Senator Erdman withdrew his amendment, AM2830, found on page 1424.

Senator Riepe offered the following amendment:

AM2864

(Amendments to Standing Committee amendments, AM2432)

1 1. On page 3, line 19, after "include" insert ", but is not limited
 2 to,".

- 3 2. On page 29, line 12, strike "motor home" and insert "the mobile
4 unit"; and in line 13 strike "motor home" and insert "mobile unit".
- 5 3. On page 43, line 1, strike "or unregistered"; and in line 26
6 strike "cosmetology" and insert "nail technology".
- 7 4. On page 44, line 18, strike "motor home" and insert "the mobile
8 unit"; and in line 19 strike "motor home" and insert "mobile unit".
- 9 5. On page 56, strike lines 29 and 30; and in line 31 strike "(4)"
10 and insert "(3)".
- 11 6. On page 57, line 2, strike "(5)" and insert "(4)"; in line 5,
12 strike "(6)" and insert "(5)"; in line 7 strike "(7)" and insert "(6)";
13 and in line 27 strike "permanent".
- 14 7. On page 58, line 24, after the semicolon insert "and"; in line 26
15 strike "and"; and strike line 27.
- 16 8. On page 59, line 15, strike "motor home" and insert "the mobile
17 unit"; and in line 16 strike "motor home" and insert "mobile unit".

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

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 731A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 807. ER169, found on page 1393, was adopted.

Senator Harr offered his amendment, AM2831, found on page 1420.

The Harr amendment was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 807A. Senator Harr offered his amendment, AM2834, found on page 1424.

The Harr amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 670. ER173, found on page 1425, was adopted.

Senator Ebke offered her amendment, AM2822, found on page 1431.

The Ebke amendment was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Senator Vargas offered the following amendment:
AM2874 is available in the Bill Room.

The Vargas amendment was adopted with 25 ayes, 3 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1120. ER172, found on page 1425, was adopted.

Senator Larson withdrew his amendment, AM2126, found on page 843.

Senator Thibodeau offered her amendment, AM2835, found on page 1428.

The Thibodeau amendment was adopted with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 873. ER170, found on page 1425, was adopted.

Senator Wayne offered his amendment, AM2827, found on page 1428.

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

Senator Erdman offered the following amendment:

FA159

Amend AM2065

Strike sections 334 through 336.

Senator Erdman moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

Senator Erdman requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Bostelman	Clements	Geist	Halloran	Lowe
Brasch	Erdman	Groene	Hilgers	Watermeier

Voting in the negative, 14:

Bolz	Hansen	Krist	Riepe	Williams
Chambers	Harr	Pansing Brooks	Stinner	Wishart
Crawford	Howard	Quick	Wayne	

Present and not voting, 14:

Albrecht	Ebke	Larson	Schumacher	Vargas
Blood	Friesen	Lindstrom	Smith	Walz
Briese	Kolterman	Linehan	Thibodeau	

Excused and not voting, 11:

Baker	Hughes	McCollister	Murante
Brewer	Kolowski	McDonnell	Scheer
Hilkemann	Kuehn	Morfeld	

The Erdman amendment lost with 10 ayes, 14 nays, 14 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Senator Pansing Brooks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Senator Hilgers requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 29 ayes, 6 nays, 6 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 953. ER176, found on page 1457, was adopted.

Senator Schumacher offered the following amendment:
AM2885

(Amendments to E&R amendments, ER176)

- 1 1. On page 2, line 15, after the period insert "The application
- 2 shall also include a statement that the parties have considered the
- 3 interests of medicare and have taken reasonable steps to protect any
- 4 interests of medicare."
- 5 2. On page 3, lines 3 and 12, after "affirm" insert "and does
- 6 affirm".

The Schumacher amendment was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1069. Title read. Considered.

Senator Brasch offered her amendment, AM2382, found on page 1153.

Senator Brasch offered the following amendment to her amendment:
AM2902

(Amendments to AM2382)

- 1 1. On page 2, line 26, after "of" insert "multicultural education".

2 2. On page 5, line 5, after the second underscored comma insert
 3 "Constitution Day".

Pending.

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendments to LB1069:

FA151

Amend AM2382

Page 1, line 26 strike "and doctrines".

FA152

Amend AM2382

Page 1, line 20 strike "of which we are possessed" and insert "we possess".

FA153

Amend AM2382

Page 2, line 26 strike "acceptance" and insert "inculcation".

FA154

Amend AM2382

Page 1, line 27 strike "men and women" and insert "them".

FA155

Amend AM2382

Page 2, line 13 strike first "and" and insert "or".

FA156

Amend AM2382

Page 2, line 30, and page 3, line 2 after "Ensure" insert "that".

FA157

Amend AM2382

Page 2, line 4 strike "American".

FA160

Amend AM2382

Page 4, line 8 strike "Constitution of" and after "Nebraska" insert "Constitution".

Senator Bolz filed the following amendment to LB1069:

AM2878

(Amendments to AM2382)

1 1. On page 1, line 25, after the period insert "Students should also
 2 be made aware of our nation's history of civil rights, women's rights,
 3 workers' rights, rights of individuals with disabilities, and voting
 4 rights, as well as how advocacy for those rights led to greater equality
 5 and prohibitions of discrimination on the basis of race, color, religion,
 6 ancestry, national origin, gender, sexual orientation, age, or
 7 disability".

VISITORS

Visitors to the Chamber were Chris, Everett, Evelyn, and Emerson Stiffler from Omaha.

The Doctor of the Day was Dr. David Hoelting from Pender.

ADJOURNMENT

At 11:41 p.m., on a motion by Senator Vargas, the Legislature adjourned until 9:00 a.m., Tuesday, April 10, 2018.

Patrick J. O'Donnell
Clerk of the Legislature

