

NINTH DAY - JANUARY 17, 2018**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION****NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 17, 2018

PRAYER

The prayer was offered by Senator Kolowski.

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 Friesen, Groene, Kuehn, Morfeld, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB982	Judiciary
LB983	Judiciary
LB984	General Affairs
LB985	Appropriations
LB986	Urban Affairs
LB987	Banking, Commerce and Insurance
LB988	Judiciary
LB989	Transportation and Telecommunications
LB990	Judiciary
LB991	Business and Labor
LB992	Judiciary
LB993	Transportation and Telecommunications
LB994	Transportation and Telecommunications
LB995	Government, Military and Veterans Affairs
LB996	Revenue

LB997 Government, Military and Veterans Affairs
LB998 Education
LB999 Education
LR281CA Health and Human Services

(Signed) Dan Watermeier, Chairperson
Executive Board

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 350. Placed on Select File.
LEGISLATIVE BILL 130. Placed on Select File.
LEGISLATIVE BILL 304. Placed on Select File.

LEGISLATIVE BILL 399. Placed on Select File with amendment.

ER92

1 1. On page 4, line 3, strike "(iv)" and insert "(iii)".

LEGISLATIVE BILL 135. Placed on Select File with amendment.

ER93

1 1. On page 1, line 3, strike "a"; and in line 4 strike "provision"
2 and insert "provisions".

(Signed) Anna Wishart, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Wednesday, January 24, 2018 1:30 p.m.

LB834
LB894
LB924

Thursday, January 25, 2018 1:30 p.m.

LB800
LB685
LB793

Friday, January 26, 2018 1:30 p.m.

LB838
LB717
LB701
LB702

(Signed) Merv Riepe, Chairperson

Judiciary

Room 1113

Thursday, January 25, 2018 1:30 p.m.

LB810 (cancel)

Thursday, January 25, 2018 1:30 p.m.

LB757

(Signed) Laura Ebke, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 271, 272, 273, 274, 275, 276, and 278 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 271, 272, 273, 274, 275, 276, and 278.

MOTION(S) - Withdraw LB915

Senator Riepe offered his motion, MO168, found on page 295, to withdraw LB915.

The Riepe motion to withdraw the bill prevailed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 469. Senator Chambers offered his amendment, FA89, found on page 303, to the committee amendment.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1034. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Child Care Licensing Act; to amend

section 71-1913, Reissue Revised Statutes of Nebraska; to change provisions relating to facility standards; and to repeal the original section.

LEGISLATIVE BILL 1035. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Stroke System of Care Act; to amend sections 71-474, 71-4204, 71-4205, and 71-4209, Revised Statutes Cumulative Supplement, 2016; to provide for designation of endovascular therapy capable stroke centers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1036. Introduced by Kolowski, 31.

A BILL FOR AN ACT relating to the Local Government Miscellaneous Expenditure Act; to amend section 13-2203, Reissue Revised Statutes of Nebraska; to change the expenditure limit for a recognition dinner as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1037. Introduced by Baker, 30.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend section 49-1499.03, Reissue Revised Statutes of Nebraska; to change actions required to be taken by an elected office holder of certain cities or villages or a school district relating to a potential conflict of interest; and to repeal the original section.

LEGISLATIVE BILL 1038. Introduced by Thibodeau, 6.

A BILL FOR AN ACT relating to registration of voters; to amend section 32-206, Reissue Revised Statutes of Nebraska, and section 32-304, Revised Statutes Supplement, 2017; to provide a deadline for electronic voter registration; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1039. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend section 76-1416, Reissue Revised Statutes of Nebraska; to increase the amount allowed to be required for a pet deposit; and to repeal the original section.

LEGISLATIVE BILL 1040. Introduced by Albrecht, 17.

A BILL FOR AN ACT relating to the Vital Statistics Act; to amend sections 71-601 and 71-601.01, Reissue Revised Statutes of Nebraska; to define a term; to provide for certificates of nonviable birth as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1041. Introduced by Wishart, 27.

A BILL FOR AN ACT relating to foster care licensure; to amend section 71-1901, Revised Statutes Cumulative Supplement, 2016, and section 71-1904, Revised Statutes Supplement, 2017; to define a term; to require training as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1042. Introduced by Howard, 9.

A BILL FOR AN ACT relating to nail technology; to amend sections 38-1038, 38-10,128, 38-10,129, 38-10,131, 38-10,135, 38-10,142, 38-10,147, 38-10,150, 38-10,152, 38-10,153, 38-10,154, and 38-10,156, Reissue Revised Statutes of Nebraska, and section 38-10,132, Revised Statutes Supplement, 2017; to redefine a term; to change and eliminate provisions relating to licensure requirements, registration, temporary practitioners, nail technology schools, guest educators, student instructors, and transfers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1043. Introduced by Lowe, 37.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-303.03, Revised Statutes Supplement, 2017; to change provisions relating to reimbursement of common and contract carriers for transportation costs associated with certain agency clients as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1044. Introduced by Krist, 10.

A BILL FOR AN ACT relating to child abuse and neglect; to amend section 28-713, Reissue Revised Statutes of Nebraska; to change duties of the Department of Health and Human Services as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1045. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Cumulative Supplement, 2016; to adopt the Nebraska Excellence Fund Tax Credit Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1046. Introduced by Bolz, 29.

A BILL FOR AN ACT relating to health and human services; to provide for a caseload ratio emergency as prescribed.

LEGISLATIVE BILL 1047. Introduced by Harr, 8.

A BILL FOR AN ACT relating to the Nebraska Uniform Power of Attorney Act; to amend section 30-4031, Reissue Revised Statutes of Nebraska; to

change provisions relating to banks and other financial institutions; and to repeal the original section.

LEGISLATIVE BILL 1048. Introduced by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the personal exemption credit; and to repeal the original section.

LEGISLATIVE BILL 1049. Introduced by Harr, 8.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-119.01, 60-336.01, 60-501, and 60-628.01, Revised Statutes Supplement, 2017; to redefine the term low-speed vehicle; and to repeal the original sections.

LEGISLATIVE BILL 1050. Introduced by Harr, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2016; to provide an adjustment to income for certain charitable contributions; and to repeal the original section.

LEGISLATIVE BILL 1051. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to family member petitioner visitation; to amend sections 30-1601 and 30-2201, Reissue Revised Statutes of Nebraska, and sections 42-1301, 42-1302, 42-1303, and 42-1304, Revised Statutes Supplement, 2017; to define terms; to provide, change, and transfer provisions relating to family member petitioner visitation proceedings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1052. Introduced by Pansing Brooks, 28; Baker, 30; Linehan, 39; Walz, 15.

A BILL FOR AN ACT relating to education; to require instruction as prescribed for students who exhibit characteristics of dyslexia; to provide duties for the State Board of Education; and to provide duties for teacher education programs.

LEGISLATIVE BILL 1053. Introduced by Wishart, 27; Hansen, 26; Krist, 10; McDonnell, 5; Schumacher, 22; Stinner, 48; Vargas, 7.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-1401, 50-1402, 50-1403, and 50-1404, Reissue Revised Statutes of Nebraska; to provide for a ten-year strategic plan; to restate intent; to provide powers and duties for the Legislature's Planning Committee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1054. Introduced by Brewer, 43.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend sections 70-1001.01 and 70-1014, Revised Statutes Cumulative Supplement, 2016; to redefine a term; to change provisions relating to generation of electricity using wind; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1055. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to appropriations; to amend section 81-1201.21, Revised Statutes Cumulative Supplement, 2016; to create a fund; to provide for its use; to state intent; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1056. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to schools; to provide for a statewide system of data collection on school discipline and law enforcement referrals as prescribed; and to provide duties for the State Board of Education and school districts.

LEGISLATIVE BILL 1057. Introduced by Kuehn, 38; Howard, 9.

A BILL FOR AN ACT relating to prescription drug monitoring; to amend section 71-2454, Revised Statutes Supplement, 2017; to define and redefine terms; to harmonize provisions; and to repeal the original section.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 287. Introduced by Quick, 35.

WHEREAS, Coach Sharon Zavala began coaching volleyball at Grand Island Central Catholic High School in 1975; and

WHEREAS, Coach Zavala reached the 1,000 win mark on Saturday, October 21, 2017, in the final match of the Central Catholic Tournament; and

WHEREAS, coming into her 1000th win, the Grand Island Central Catholic Crusaders had only experienced 196 losses; and

WHEREAS, Coach Zavala went on to lead her 2017 Crusaders to finish as the runner-up in the state championship; and

WHEREAS, under Coach Zavala's leadership, the Crusaders have won nine state championships and nine runner-up finishes; and

WHEREAS, Coach Zavala unselfishly passes the credit on to her players; and

WHEREAS, the Legislature recognizes academic, athletic, and artistic achievements.

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

1. That the Legislature congratulates Coach Sharon Zavala on her success and 1000th win.
2. That a copy of this resolution be sent to Sharon Zavala and Grand Island Central Catholic High School.

Laid over.

LEGISLATIVE RESOLUTION 288. Introduced by Bolz, 29.

WHEREAS, during fiscal year 2015-16, the office of Inspector General of Nebraska Child Welfare investigated twenty-two cases of system-involved children who died or were seriously injured. Further, according to the office's 2017 Annual Report, as a result of incident reports made to the office between July 1, 2016, and June 30, 2017, seven new death investigations and three serious injury investigations were opened, including one suicide of a youth placed on alternatives to detention and one death of a state ward in a licensed group home; and

WHEREAS, on December 27, 2017, the office issued a report related to sexual abuse of state wards, youth in adoptive or guardian homes, and youth in residential placement and found fifty substantiated cases of sexual abuse; and

WHEREAS, the Legislature believes that further study and oversight of the Department of Health and Human Services is necessary to correct inadequate department procedures and policies and to prevent additional death and abuse of children in the care of the department.

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

1. That the Nebraska Child Welfare Death and Abuse Special Oversight Committee of the Legislature is created. The committee shall consist of the chairperson of the State Child and Maternal Death Review Team or his or her designee, the executive director of the Foster Care Review Office or his or her designee, the Inspector General of Nebraska Child Welfare or his or her designee, the State Court Administrator or his or her designee, the chairperson of the Health and Human Services Committee of the Legislature or his or her designee, the chairperson of the Judiciary Committee or his or her designee, and three members of the Legislature appointed by the Executive Board of the Legislative Council. The committee shall elect a chairperson and vice-chairperson from the membership of the committee.

2. That the Nebraska Child Welfare Death and Abuse Special Oversight Committee of the Legislature shall focus on children in the care of the Department of Health and Human Services which includes any child from birth to nineteen years of age for which the department has initiated a case report within the Division of Children and Family Services of the department related to founded or unfounded incidents of neglect, abuse, or both and any child from birth to nineteen years of age for which the department has initiated a case within the Office of Juvenile Services of the

department. This shall include, but not be limited to, children in alternative response, in-home-care, out-of-home-care, and congregate-care settings.

3. That the Nebraska Child Welfare Death and Abuse Special Oversight Committee of the Legislature shall study the following with respect to the Department of Health and Human Services:

a. Child deaths and abuse incident reports made alleging harm to children in the care of the department and the actions taken in response to the allegations;

b. The policies and procedures in place to ensure that the backgrounds of staff, parents, foster parents, kinship placements, guardians, and other caregivers are sufficiently screened for any history of abuse;

c. The policies relating to the training of staff to assess and mitigate risks for abuse; and

d. The status of recommendations made by the office of Inspector General of Nebraska Child Welfare.

4. That the Nebraska Child Welfare Death and Abuse Special Oversight Committee of the Legislature shall issue a report electronically with its findings and recommendations to the Legislature by December 15, 2018.

5. That the Nebraska Child Welfare Death and Abuse Special Oversight Committee of the Legislature may continue its work until the beginning of the One Hundred Sixth Legislature, First Session.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR288 was referred to the Reference Committee.

COMMITTEE REPORT(S)

Agriculture

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

Steven Wellman, Director - Department of Agriculture

Aye: 8 Albrecht, Blood, Brasch, Chambers, Halloran, Krist, Lowe, Thibodeau. Nay: 0. Absent: 0. Present and not voting: 0.

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

Tyler Weborg - Beginning Farmer Board

Aye: 8 Albrecht, Blood, Brasch, Chambers, Halloran, Krist, Lowe, Thibodeau. Nay: 0. Absent: 0. Present and not voting: 0.

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

Harry Hoch - Nebraska State Fair Board

Aye: 8 Albrecht, Blood, Brasch, Chambers, Halloran, Krist, Lowe, Thibodeau. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Lydia Brasch, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Revenue

Room 1524

Wednesday, January 24, 2018 1:30 p.m.

LB730
LB789
LB738

(Signed) Jim Smith, Chairperson

Executive Board

Room 2102

Wednesday, January 24, 2018 12:00 p.m.

LB751
LB935
LB936

Thursday, January 25, 2018 12:00 p.m.

LB777
LB837

(Signed) Dan Watermeier, Chairperson

GENERAL FILE

LEGISLATIVE BILL 469. The Chambers amendment, FA89, found on page 303 and considered in this day's Journal, to the committee amendment, was renewed.

SENATOR WATERMEIER PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Erdman Hansen

Voting in the negative, 37:

Albrecht	Ebke	Krist	Morfeld	Vargas
Baker	Friesen	Kuehn	Murante	Watermeier
Blood	Geist	Larson	Quick	Wayne
Bostelman	Groene	Lindstrom	Riepe	Williams
Brasch	Halloran	Linehan	Scheer	Wishart
Brewer	Hilgers	Lowe	Schumacher	
Briese	Hughes	McCollister	Stinner	
Clements	Kolterman	McDonnell	Thibodeau	

Present and not voting, 10:

Bolz	Crawford	Hilkemann	Kolowski	Smith
Chambers	Harr	Howard	Pansing Brooks	Walz

The Chambers amendment lost with 2 ayes, 37 nays, and 10 present and not voting.

The Chair declared the call raised.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1058. Introduced by Halloran, 33; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2; Ebke, 32; Erdman, 47; Friesen, 34; Hilgers, 21; Kolterman, 24; Larson, 40; Lowe, 37; Stinner, 48; Watermeier, 1; Wayne, 13; Williams, 36.

A BILL FOR AN ACT relating to the Constitution of the United States; to adopt the Faithful Delegate to Federal Article V Convention Act.

LEGISLATIVE BILL 1059. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to amend sections 24-231 and 43-3718, Reissue Revised Statutes of Nebraska; to prohibit certain

appropriations to the Supreme Court; to prohibit any program funded through Agency Number 5 from accepting funds from any nongovernmental source; to prohibit counties, local governments, and certain state government entities from accepting legislative appropriations under certain conditions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1060. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to public health; to amend section 76-2,120, Revised Statutes Cumulative Supplement, 2016; to adopt the Healthy Kids Act; to require tests for lead-based hazards in housing; to require disclosures to buyers and tenants; to provide a duty for the State Real Estate Commission; to provide operative dates; and to repeal the original section.

LEGISLATIVE BILL 1061. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to provide intent to appropriate funds for internship program grants as prescribed.

LEGISLATIVE BILL 1062. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to appropriations; to state findings and intent relating to appropriations for the Tobacco Prevention and Control Program.

LEGISLATIVE BILL 1063. Introduced by McDonnell, 5.

A BILL FOR AN ACT relating to traumatic brain injury; to amend section 60-4,115, Revised Statutes Cumulative Supplement, 2016; to provide funding to assist victims of traumatic brain injury; to provide for administration; to create a fund; to increase certain driver's license fees; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1064. Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-101 and 32-322, Reissue Revised Statutes of Nebraska; to require election commissioners and county clerks to check voter registration registers for deceased individuals as prescribed; to require the Secretary of State to check the citizenship status of registered voters and applicants for voter registration; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1065. Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-101, 32-308, 32-309, 32-315, 32-318.01, 32-321, 32-330, 32-913, 32-1002, and 32-1027, Reissue Revised Statutes of Nebraska, section 60-484.02, Revised Statutes Cumulative Supplement, 2016, and sections

32-301, 32-304, 32-312, 32-915, and 32-947, Revised Statutes Supplement, 2017; to state intent; to provide for electronic poll books; to permit confirmation of identity for purposes of voting; to provide for obtaining, using, and protecting digital images for purposes of voting; to clarify provisions relating to address confirmation; to provide powers and duties; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1066. Introduced by Murante, 49.

A BILL FOR AN ACT relating to the Election Act; to amend sections 32-101, 32-914, and 32-1002, Reissue Revised Statutes of Nebraska, and section 32-915, Revised Statutes Supplement, 2017; to require photographic identification for purposes of voting; to provide for provisional voting; to provide for issuance of photographic identification; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1067. Introduced by Quick, 35.

A BILL FOR AN ACT relating to the Business Improvement District Act; to amend sections 19-4019 and 19-4032, Reissue Revised Statutes of Nebraska, sections 19-4015, 19-4017, 19-4017.01, 19-4018, 19-4020, 19-4021, 19-4026, 19-4027, 19-4029, 19-4029.01, 19-4029.03, 19-4029.04, 19-4029.05, and 19-4033, Revised Statutes Cumulative Supplement, 2016, and section 19-4031, Revised Statutes Supplement, 2017; to define terms; to authorize a special tourism surcharge; to authorize the use of funds for tourism promotion and marketing activities and improvements to tourism attractions; to provide for representation on district boards from local convention or visitors' bureaus; to allow business improvement districts to be formed of non-contiguous areas as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1068. Introduced by Murante, 49.

A BILL FOR AN ACT relating to elections; to amend sections 31-787, 31-793, 32-330, 32-552, 32-952, 32-956, 32-1002, 32-1303, 32-1306, 32-1309, 32-1405, 32-1407, and 32-1409, Reissue Revised Statutes of Nebraska, and section 32-915, Revised Statutes Supplement, 2017; to change provisions relating to voter registration lists, special elections by mail, recall petitions and elections, and initiative and referendum measures; to require the provision of an approved map to the election commissioner or county clerk for purposes of adjusting boundaries; to provide for seventeen-year-olds to vote using a provisional ballot in special elections as prescribed; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1069. Introduced by Brasch, 16.

A BILL FOR AN ACT relating to schools; to amend sections 79-724 and

79-727, Reissue Revised Statutes of Nebraska; to change provisions relating to the committee on Americanism; to eliminate a penalty; to provide duties for the State Board of Education and the State Department of Education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1070. Introduced by Brewer, 43; Wayne, 13.

A BILL FOR AN ACT relating to school districts; to amend section 79-499, Revised Statutes Cumulative Supplement, 2016; to change an election requirement; and to repeal the original section.

LEGISLATIVE BILL 1071. Introduced by Lindstrom, 18.

A BILL FOR AN ACT relating to public utilities; to adopt the Infrastructure Improvement and Replacement Assistance Act; and to create a fund.

MOTION(S) - Print in Journal

Senator Harr filed the following motion to LB810:
MO169
Withdraw bill.

COMMITTEE REPORT(S)
Urban Affairs

LEGISLATIVE BILL 748. Placed on General File.

LEGISLATIVE BILL 865. Placed on General File with amendment.
AM1549

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 14-137, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 14-137 The enacting clause of all ordinances in a city of the
6 metropolitan class shall be as follows: Be it ordained by the city
7 council of the city of All ordinances of the city shall be
8 passed pursuant to such rules and regulations as the city council may
9 prescribe. Upon ~~Provided, upon~~ the passage of all ordinances the yeas
10 and nays shall be entered upon the record of the city council, and a
11 majority of the votes of all the members of the city council shall be
12 necessary to their passage. No ordinance shall be passed within a week
13 after its introduction, except the general appropriation ordinances for
14 salaries and wages. Ordinances of a general or permanent nature shall be
15 read by title on three different days unless three-fourths of the city
16 council vote to suspend this requirement, except that such requirement
17 shall not be suspended for any ordinance for the annexation of territory
18 or the redrawing of boundaries for city council election districts or
19 wards.
20 Sec. 2. Section 15-404, Reissue Revised Statutes of Nebraska, is

21 amended to read:

22 15-404 All ordinances, resolutions, or orders for the appropriation
 23 or payment of money in a city of the primary class shall require for
 24 passage or adoption the concurrence of a majority of the members elected
 25 to the city council. Ordinances of a general or permanent nature shall be
 26 ~~fully and distinctly read by title on three different days; unless the~~
 27 ~~city council votes to suspend shall dispense with this requirement rule~~
 1 by a two-thirds vote of the members, except that such requirement shall
 2 not be suspended for any ordinance for the annexation of territory or the
 3 redrawing of boundaries for city council election districts or wards
 4 ~~elected~~. No ordinance shall contain a subject which is not clearly
 5 expressed in its title. No ordinance or section thereof shall be revised
 6 or amended unless the new ordinance contains the entire ordinance or
 7 section as revised or amended, and the ordinance or section so amended
 8 shall be repealed.

9 Sec. 3. Section 16-404, Revised Statutes Cumulative Supplement,
 10 2016, is amended to read:

11 16-404 (1) All ordinances and resolutions or orders for the
 12 appropriation or payment of money in a city of the first class shall
 13 require for their passage or adoption the concurrence of a majority of
 14 all members elected to the city council. The mayor may vote on any such
 15 matter when his or her vote will provide the additional vote required to
 16 create a number of votes equal to a majority of the number of members
 17 elected to the city council, and the mayor shall, for the purpose of such
 18 vote, be deemed to be a member of the city council.

19 (2) Ordinances of a general or permanent nature in a city of the
 20 first class shall be read by title on three different days unless three-
 21 fourths of the city council members vote to suspend this requirement,
 22 except that in a city having a commission form of government such
 23 requirement may be suspended by a three-fifths majority vote. Regardless
 24 of the form of government, such requirement shall not be suspended for
 25 any ordinance for the annexation of territory or the redrawing of
 26 boundaries for city council election districts or wards. In case such
 27 requirement is suspended, the ordinances shall be read by title or number
 28 and then moved for final passage. Three-fourths of the city council
 29 members may require a reading of any such ordinance in full before
 30 enactment under either procedure set out in this section, except that in
 31 a city having a commission form of government, such reading may be
 1 required by a three-fifths majority vote.

2 (3) Ordinances in a city of the first class shall contain no subject
 3 which is not clearly expressed in the title, and, except as provided in
 4 section 19-915, no ordinance or section thereof shall be revised or
 5 amended unless the new ordinance contains the entire ordinance or section
 6 as revised or amended and the ordinance or section so amended is
 7 repealed, except that:

8 (a) For an ordinance revising all the ordinances of the city, the
 9 only title necessary shall be An ordinance of the city of,
 10 revising all the ordinances of the city. Under such title all the
 11 ordinances may be revised in sections and chapters or otherwise, may be

12 corrected, added to, and any part suppressed, and may be repealed with or
13 without a saving clause as to the whole or any part without other title;
14 and

15 (b) For an ordinance used solely to revise ordinances or code
16 sections or to enact new ordinances or code sections in order to adopt
17 statutory changes made by the Legislature which are specific and
18 mandatory and bring the ordinances or code sections into conformance with
19 state law, the title need only state that the ordinance revises those
20 ordinances or code sections affected by or enacts ordinances or code
21 sections generated by legislative changes. Under such title, all such
22 ordinances or code sections may be revised, repealed, or enacted in
23 sections and chapters or otherwise by a single ordinance without other
24 title.

25 Sec. 4. Section 17-614, Revised Statutes Supplement, 2017, is
26 amended to read:

27 17-614 (1) All ordinances and resolutions or orders for the
28 appropriation or payment of money shall require for their passage or
29 adoption the concurrence of a majority of all members elected to the city
30 council in a city of the second class or village board of trustees. The
31 mayor of a city of the second class may vote when his or her vote would
1 provide the additional vote required to attain the number of votes equal
2 to a majority of the number of members elected to the city council, and
3 the mayor shall, for the purpose of such vote, be deemed to be a member
4 of the city council. Ordinances of a general or permanent nature shall be
5 read by title on three different days unless three-fourths of the city
6 council or village board of trustees vote to suspend this requirement,
7 except that such requirement shall not be suspended for any ordinance for
8 the annexation of territory or the redrawing of boundaries for city
9 council or village board of trustees election districts or wards. In case
10 such requirement is suspended, the ordinances shall be read by title and
11 then moved for final passage. Three-fourths of the city council or
12 village board of trustees may require a reading of any such ordinance in
13 full before enactment under either procedure set out in this section.

14 (2) Ordinances shall contain no subject which is not clearly
15 expressed in the title, and, except as provided in section 19-915, no
16 ordinance or section of such ordinance shall be revised or amended unless
17 the new ordinance contains the entire ordinance or section as revised or
18 amended and the ordinance or section so amended is repealed, except that:

19 (a) For an ordinance revising all the ordinances of the city of the
20 second class or village, the title need only state that the ordinance
21 revises all the ordinances of the city or village. Under such title all
22 the ordinances may be revised in sections and chapters or otherwise, may
23 be corrected, added to, and any part suppressed, and may be repealed with
24 or without a saving clause as to the whole or any part without other
25 title; and

26 (b) For an ordinance used solely to revise ordinances or code
27 sections or to enact new ordinances or code sections in order to adopt
28 statutory changes made by the Legislature which are specific and
29 mandatory and bring the ordinances or code sections into conformance with

30 state law, the title need only state that the ordinance revises those
31 ordinances or code sections affected by or enacts ordinances or code
1 sections generated by legislative changes. Under such title, all such
2 ordinances or code sections may be revised, repealed, or enacted in
3 sections and chapters or otherwise by a single ordinance without other
4 title.

5 Sec. 5. Original sections 14-137 and 15-404, Reissue Revised
6 Statutes of Nebraska, section 16-404, Revised Statutes Cumulative
7 Supplement, 2016, and section 17-614, Revised Statutes Supplement, 2017,
8 are repealed.

(Signed) Justin Wayne, Chairperson

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 100. Placed on Select File.

LEGISLATIVE BILL 177. Placed on Select File with amendment.
ER94

1 1. On page 1, line 6, after the first semicolon insert "to change
2 provisions relating to".

LEGISLATIVE BILL 93. Placed on Select File.

LEGISLATIVE BILL 347. Placed on Select File.

LEGISLATIVE BILL 160. Placed on Select File.

LEGISLATIVE BILL 198. Placed on Select File.

LEGISLATIVE BILL 614. Placed on Select File.

LEGISLATIVE BILL 96. Placed on Select File.

(Signed) Anna Wishart, Chairperson

GENERAL FILE

LEGISLATIVE BILL 469. Senator Larson offered the following motion:
MO171

Reconsider the vote taken on FA89.

SENATOR HOWARD PRESIDING

Pending.

LEGISLATIVE RESOLUTION 18CA. Read. Considered.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1072. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to public lettings and contracts; to amend section 73-101.01, Reissue Revised Statutes of Nebraska; to change a preference in awarding public contracts and eliminate reciprocal preference provisions; and to repeal the original section.

LEGISLATIVE BILL 1073. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the Foster Care Review Act; to amend section 43-1303, Revised Statutes Supplement, 2017; to provide for additional information relating to foster care placements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1074. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.03 and 77-2715.07, Revised Statutes Cumulative Supplement, 2016; to change individual income tax brackets and rates; to impose an additional tax on certain income; to change provisions relating to an earned income tax credit; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1075. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to impose a fee on transfers of real estate; to exempt certain instruments from the fee; to provide powers and duties; to authorize refunds; and to provide an operative date.

LEGISLATIVE BILL 1076. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 76-901, Reissue Revised Statutes of Nebraska, and sections 76-903 and 77-1327, Revised Statutes Cumulative Supplement, 2016; to increase the documentary stamp tax; to provide for the use of the additional revenue; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1077. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3444, 79-458, 79-4,108, 79-1029, 79-1078, 79-1081, and 79-2404, Reissue Revised Statutes of Nebraska, sections 70-651.04, 77-1736.06, 79-528, 79-1005.01, 79-1007.18, 79-1008.01, 79-1041, 79-2104, and 79-2111, Revised Statutes Cumulative Supplement, 2016, and sections 77-3442, 79-8,142, 79-1003, 79-1015.01, and 79-1017.01, Revised Statutes

Supplement, 2017; to eliminate levy limits for school districts; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1027.01 and 79-1082, Reissue Revised Statutes of Nebraska, and sections 79-1008.02, 79-1073, and 79-10,126.01, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 1078. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to the office of Inspector General of Nebraska Child Welfare; to amend sections 43-4318 and 43-4406, Revised Statutes Supplement, 2017; to require reporting of allegations of sexual abuse as prescribed; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1079. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Children's Residential Facilities and Placing Licensure Act; to amend section 71-1936, Revised Statutes Cumulative Supplement, 2016; to add and change provisions relating to reports; and to repeal the original section.

LEGISLATIVE BILL 1080. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to motor vehicles; to amend section 37-327.04, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Supplement, 2017; to provide for Wildlife Conservation Plates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1081. Introduced by Education Committee: Groene, 42, Chairperson; Ebke, 32; Kolowski, 31; Linehan, 39; Morfeld, 46; Pansing Brooks, 28.

A BILL FOR AN ACT relating to schools; to amend sections 79-262, 79-293, 79-2,136, 79-408, 79-529, 79-760.07, 79-870, 79-1007.08, and 79-1007.09, Reissue Revised Statutes of Nebraska, sections 79-528, 79-760.06, 79-1007.06, 79-1007.07, 79-11,155, 79-2104, 79-2104.02, and 79-2117, Revised Statutes Cumulative Supplement, 2016, and section 79-1003, Revised Statutes Supplement, 2017; to require an annual financial report for learning communities; to provide penalties; to change requirements for reporting student conduct to law enforcement; to clarify residency requirements for part-time enrollment; to change provisions regarding Class IV school district boundaries; to remove certain powers of Class IV school districts; to eliminate certain reporting requirements regarding learning communities; to change a reporting date; to change provisions for priority schools as prescribed; to change provisions related to subpoena authority as prescribed; to eliminate poverty plan requirements; to eliminate limited English proficiency plan requirements; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-1014, Reissue Revised Statutes of Nebraska, and section 79-1013, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 1082. Introduced by Vargas, 7.

A BILL FOR AN ACT relating to immigration; to require law enforcement agencies, jails, and the Nebraska State Patrol to provide notice prior to entering into agreements to enforce federal immigration law; to require law enforcement agencies and jails to provide information to the Nebraska Commission on Law Enforcement and Criminal Justice; to provide the Auditor of Public Accounts with authority to conduct audits of noncomplying law enforcement agencies, jails, political subdivisions, and the patrol; and to provide an operative date.

LEGISLATIVE BILL 1083. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1912, Reissue Revised Statutes of Nebraska; to change provisions relating to discovery in criminal cases; and to repeal the original section.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 289CA.** Introduced by Krist, 10.

THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2018, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 5, and add new sections 31 and 32 to Article III:

III-5 The Legislature shall by law determine the number of members to be elected and divide the state into legislative districts as provided in section 31 of this Article. In the creation of such districts, any county that contains population sufficient to entitle it to two or more members of the Legislature shall be divided into separate and distinct legislative districts subject to section 31 of this Article, ~~as nearly equal in population as may be and composed of contiguous and compact territory~~. One member of the Legislature shall be elected from each such district. The basis of apportionment shall be the population excluding aliens, as shown by the next preceding federal census. The Legislature shall redistrict the state after each federal decennial census. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature subject to section 31 of this Article.

III-31 (1)(a) The Legislature shall not draw boundaries for a legislative district which individually or aggregately:

(i) Intentionally favor or disfavor an incumbent or a political party; or
(ii) Intentionally or effectively deny racial or language minorities the equal opportunity to participate in the political process or intentionally or effectively diminish their ability to elect representatives of their choice; and

(b) The Legislature shall draw boundaries for a legislative district which create a contiguous district.

(2) Unless compliance with the following standards conflicts with the standards in subsection (1) of this section or with federal law, the Legislature shall draw boundaries for a legislative district which:

- (a) Create a compact district;
- (b) Create a district as nearly equal in population as is practicable to all other legislative districts; and
- (c) Where feasible, create a district using existing political and geographical boundaries.

(3) The order in which the standards in subsections (1) and (2) of this section are set forth shall not be interpreted to establish any priority of one standard over another within the respective subsection.

III-32 (1)(a) Boundaries for a congressional district shall not be drawn which individually or aggregately:

- (i) Intentionally favor or disfavor an incumbent or a political party; or
- (ii) Intentionally or effectively deny racial or language minorities the equal opportunity to participate in the political process or intentionally or effectively diminish their ability to elect representatives of their choice; and
- (b) Boundaries for a congressional district shall be drawn to create a contiguous district.

(2) Unless compliance with the following standards conflicts with the standards in subsection (1) of this section or with federal law, boundaries for a congressional district shall be drawn which:

- (a) Create a compact district;
- (b) Create a district as nearly equal in population as is practicable to all other congressional districts in Nebraska; and
- (c) Where feasible, create a district using existing political and geographical boundaries.

(3) The order in which the standards in subsections (1) and (2) of this section are set forth shall not be interpreted to establish any priority of one standard over another within the respective subsection.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to provide, change, and eliminate standards for drawing boundaries of legislative districts and provide standards for drawing boundaries of congressional districts.

For

Against.

NOTICE OF COMMITTEE HEARING(S)
Government, Military and Veterans Affairs

Room 1507

Wednesday, January 24, 2018 1:30 p.m.

LB749
LR268

(Signed) John Murante, Chairperson

Natural Resources

Room 1525

Wednesday, January 24, 2018 1:30 p.m.

Alden Zuhlke - Environmental Quality Council
John Dilsaver - Environmental Quality Council
LB762

(Signed) Dan Hughes, Chairperson

MOTION(S) - Print in Journal

Senator Brasch filed the following motion to LB805:
MO172
Withdraw bill.

Senator Chambers filed the following motion to LB469:
MO174
Recommit to the General Affairs Committee.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Brewer name added to LR279.

VISITORS

Visitors to the Chamber were Senator Hilkemann's wife, Julie, from Omaha and Judy Stransky from Omaha; and Judy Nelson and Donna Peterson from Omaha.

The Doctor of the Day was Dr. Carol LaCroix from Omaha.

ADJOURNMENT

At 11:50 a.m., on a motion by Senator Friesen, the Legislature adjourned until 9:00 a.m., Thursday, January 18, 2018.

Patrick J. O'Donnell
Clerk of the Legislature