

THIRTIETH DAY - FEBRUARY 22, 2019**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 22, 2019

PRAYER

The prayer was offered by Reverend Greg Volzke, Christ Lutheran Church, Juniata.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Scheer presiding.

The roll was called and all members were present except Senators Kolowski, Walz, and Williams who were excused; and Senators Bolz, Bostelman, M. Hansen, McCollister, Morfeld, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 21, 2019, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Bracht, David L.
Catalyst Public Affairs
Catalyst Public Affairs
Blue Cross and Blue Shield of Nebraska
Hall, Darrin
United Airlines, Inc.
Jensen Rogert Associates, Inc.
American Association of Orthodontists
Rembolt Ludtke, LLP

Wilkinson Development, Inc.
Szabo, Carl
NetChoice

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Monday, March 4, 2019 1:30 p.m.

LB120
LB416
LB104
LB650

(Signed) Mike Groene, Chairperson

GENERAL FILE

LEGISLATIVE BILL 660A. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 1 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 112A. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 399. Senator Chambers renewed his amendment, FA12, found on page 545, to the committee amendment.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 430. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 25A. Placed on Select File.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 142. Placed on General File.**LEGISLATIVE BILL 269.** Placed on General File.**LEGISLATIVE BILL 270.** Placed on General File with amendment.

AM369

1 1. Strike the original sections 4 and 10 and insert the following

2 new sections:

3 Sec. 4. Section 37-1292, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 37-1292 For purposes of this section and sections 37-1293 to

6 37-1298:

7 (1) Cost of repairs means the estimated or actual retail cost of

8 parts needed to repair a motorboat plus the cost of labor computed by

9 using the hourly labor rate and time allocations for repair that are

10 customary and reasonable. Retail cost of parts and labor rates may be

11 based upon collision estimating manuals or electronic computer estimating
12 systems customarily used in the insurance industry;

13 (2) Late model motorboat means a motorboat which has (a) a

14 manufacturer's model year designation of, or later than, the year in

15 which the motorboat was wrecked, damaged, or destroyed, or any of the six

16 preceding years, or (b) a retail value of more than ten thousand dollars

17 until January 1, 2006, a retail value of more than ten thousand five

18 hundred dollars until January 1, 2010, and a retail value of more than

19 ten thousand five hundred dollars increased by five hundred dollars every

20 five years thereafter;

21 (3) Previously salvaged means the designation of a rebuilt or

22 ~~reconstructed~~ motorboat which was previously required to be issued a

23 salvage branded certificate of title;

24 (4) Retail value means the actual cash value, fair market value, or

25 retail value of a motorboat as (a) set forth in a current edition of any

26 nationally recognized compilation, including automated data bases, of

27 retail values or (b) determined pursuant to a market survey of comparable

1 motorboats with respect to condition and equipment; and

2 (5) Salvage means the designation of a motorboat which is:

3 (a) A late model motorboat which has been wrecked, damaged, or

4 destroyed to the extent that the estimated total cost of repair to

5 rebuild or reconstruct the motorboat to its condition immediately before

6 it was wrecked, damaged, or destroyed and to restore the motorboat to a

7 condition for legal operation, meets or exceeds seventy-five percent of

8 the retail value of the motorboat at the time it was wrecked, damaged, or
9 destroyed; or

10 (b) Voluntarily designated by the owner of the motorboat as a
11 salvage motorboat by obtaining a salvage branded certificate of title,
12 without respect to the damage to, age of, or value of the motorboat.

13 Sec. 10. Section 60-171, Revised Statutes Cumulative Supplement,
14 2018, is amended to read:

15 60-171 For purposes of sections 60-171 to 60-177:

16 (1) Cost of repairs means the estimated or actual retail cost of
17 parts needed to repair a vehicle plus the cost of labor computed by using
18 the hourly labor rate and time allocations for repair that are customary
19 and reasonable. Retail cost of parts and labor rates may be based upon
20 collision estimating manuals or electronic computer estimating systems
21 customarily used in the insurance industry;

22 (2) Flood damaged means damage to a vehicle resulting from being
23 submerged in water to the point that rising water has reached over the
24 floorboard, has entered the passenger compartment, and has caused damage
25 to any electrical, computerized, or mechanical components. Flood damaged
26 specifically does not apply to a vehicle that an inspection, conducted by
27 an insurance claim representative or a vehicle repairer, indicates:

28 (a) Has no electrical, computerized, or mechanical components
29 damaged by water; or

30 (b) Had one or more electrical, computerized, or mechanical
31 components damaged by water and all such damaged components were repaired
1 or replaced;

2 (3) Late model vehicle means a vehicle which has (a) a
3 manufacturer's model year designation of, or later than, the year in
4 which the vehicle was wrecked, damaged, or destroyed, or any of the six
5 preceding years or (b)(i) in the case of vehicles other than all-terrain
6 vehicles, utility-type vehicles, and minibikes, a retail value of more
7 than ten thousand five hundred dollars until January 1, 2010, and a
8 retail value of more than ten thousand five hundred dollars increased by
9 five hundred dollars every five years thereafter or (ii) in the case of
10 all-terrain vehicles, utility-type vehicles, or minibikes, a retail value
11 of more than one thousand seven hundred fifty dollars until January 1,
12 2010, and a retail value of more than one thousand seven hundred fifty
13 dollars increased by two hundred fifty dollars every five years
14 thereafter;

15 (4) Manufacturer buyback means the designation of a vehicle with an
16 alleged nonconformity when the vehicle (a) has been replaced by a
17 manufacturer or (b) has been repurchased by a manufacturer as the result
18 of court judgment, arbitration, or any voluntary agreement entered into
19 between the manufacturer or its agent and a consumer;

20 (5) Previously salvaged or rebuilt each ~~mean~~ means the designation
21 of a rebuilt or reconstructed vehicle which was previously required to be
22 issued a salvage branded certificate of title and which has been
23 inspected as provided in section 60-146;

24 (6) Retail value means the actual cash value, fair market value, or
25 retail value of a vehicle as (a) set forth in a current edition of any

26 nationally recognized compilation, including automated data bases, of
 27 retail values or (b) determined pursuant to a market survey of comparable
 28 vehicles with respect to condition and equipment; and
 29 (7) Salvage means the designation of a vehicle which is:
 30 (a) A late model vehicle which has been wrecked, damaged, or
 31 destroyed to the extent that the estimated total cost of repair to
 1 rebuild or reconstruct the vehicle to its condition immediately before it
 2 was wrecked, damaged, or destroyed and to restore the vehicle to a
 3 condition for legal operation, meets or exceeds seventy-five percent of
 4 the retail value of the vehicle at the time it was wrecked, damaged, or
 5 destroyed; or
 6 (b) Voluntarily designated by the owner of the vehicle as a salvage
 7 vehicle by obtaining a salvage branded certificate of title, without
 8 respect to the damage to, age of, or value of the vehicle.

(Signed) Curt Friesen, Chairperson

Urban Affairs

LEGISLATIVE BILL 348. Placed on General File.

LEGISLATIVE BILL 405. Placed on General File.

LEGISLATIVE BILL 130. Placed on General File with amendment.

AM298

1 1. On page 4, line 2, strike "exceed" and insert "meet"; and in line
 2 10 strike "or exceed".
 3 2. On page 10, strike beginning with "engineer" in line 21 through
 4 "Registration" in line 22 and insert "architect or professional engineer
 5 licensed under the Engineers and Architects Regulation".

LEGISLATIVE BILL 409. Placed on General File with amendment.

AM221

1 1. On page 2, lines 3 through 11, strike the new matter and insert
 2 "(a) For purposes of construction relating to ambulatory surgical
 3 centers, critical access hospitals, general acute hospitals, and
 4 hospitals, the Legislature adopts the 2018 Guidelines for Design and
 5 Construction of Hospitals, the 2018 Guidelines for Design and
 6 Construction of Outpatient Facilities, and the 2018 Guidelines for Design
 7 and Construction of Residential Health, Care, and Support Facilities
 8 published by the Facility Guidelines Institute.
 9 (b) For new construction of assisted-living facilities, long-term
 10 care hospitals, nursing facilities, and skilled nursing facilities on or
 11 after the effective date of this act, the Legislature adopts the 2018
 12 Guidelines for Design and Construction of Hospitals, the 2018 Guidelines
 13 for Design and Construction of Outpatient Facilities, and the 2018
 14 Guidelines for Design and Construction of Residential Health, Care, and
 15 Support Facilities published by the Facility Guidelines Institute, except
 16 that the Legislature adopts only the definition of new construction found
 17 in section 1.1-2.1 and excludes the part of the definition found in

18 sections 1.1-2.2 and 1.1-2.3 and any related provisions of such
 19 guidelines."

(Signed) Justin Wayne, Chairperson

Natural Resources

LEGISLATIVE BILL 287. Placed on General File with amendment.
 AM386

1 1. On page 10, lines 22 and 23, reinstate the stricken matter and
 2 strike the new matter.

(Signed) Dan Hughes, Chairperson

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB160:
 AM411

(Amendments to E&R amendments, ER 35)

1 1. On page 2, line 16, strike "of recognized quality".

GENERAL FILE

LEGISLATIVE BILL 399. The Chambers amendment, FA12, found on
 page 545 and considered in this day's Journal, to the committee amendment,
 was renewed.

SENATOR HILGERS PRESIDING

SPEAKER SCHEER PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with
 15 ayes, 4 nays, and 30 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 35:

Albrecht	Cavanaugh	Geist	Hughes	McDonnell
Arch	Clements	Groene	La Grone	Moser
Bolz	Crawford	Halloran	Lathrop	Murman
Bostelman	DeBoer	Hansen, B.	Lindstrom	Quick
Brandt	Dorn	Hilgers	Linehan	Scheer
Brewer	Erdman	Hilkemann	Lowe	Slama
Briese	Friesen	Howard	McCollister	Stinner

Present and not voting, 7:

Hansen, M.	Morfeld	Vargas	Wishart
Hunt	Pansing Brooks	Wayne	

Excused and not voting, 6:

Blood	Kolowski	Walz
Gragert	Kolterman	Williams

The Chambers amendment lost with 1 aye, 35 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 8. Placed on Select File.

LEGISLATIVE BILL 156. Placed on Select File with amendment.
ER36 is available in the Bill Room.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 71. Placed on Final Reading.

LEGISLATIVE BILL 122. Placed on Final Reading.

LEGISLATIVE BILL 301. Placed on Final Reading.

ST6

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

1. In the Lowe amendment, AM165, on page 1, line 6, the second comma has been struck and an underscored colon inserted; in lines 6 and 14 "No." has been inserted after "Program"; in line 15 an underscored comma has been inserted after "Program"; and in line 16 "classifications" has been struck and "classification" inserted.

LEGISLATIVE BILL 306. Placed on Final Reading.

LEGISLATIVE BILL 359. Placed on Final Reading.

LEGISLATIVE RESOLUTION 1CA. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 463. Placed on General File.**LEGISLATIVE BILL 13.** Placed on General File with amendment.

AM147

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 28-806, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 28-806 (1) A person, eighteen years of age or over, commits public
 6 indecency if such person performs or procures, or assists any other
 7 person to perform, in a public place and where the conduct may reasonably
 8 be expected to be viewed by members of the public:
 9 (a) An act of sexual penetration; or
 10 (b) An exposure of the genitals of the body done with intent to
 11 affront or alarm any person; or
 12 (c) A lewd fondling or caressing of the body of another person of
 13 the same or opposite sex.
 14 (2) Public indecency is a Class II misdemeanor.
 15 (3) It shall not be a violation of this section for an individual to
 16 breast-feed a child in a public place.
 17 Sec. 2. Original section 28-806, Reissue Revised Statutes of
 18 Nebraska, is repealed.

LEGISLATIVE BILL 222. Placed on General File with amendment.

AM424

1 1. On page 3, line 19, after the period insert "The certification
 2 administrator shall also send a copy of such certified list to the
 3 governing body of the county, city, village, or rural or suburban fire
 4 protection district. Such copy may be sent electronically or by mail.".

(Signed) Lou Ann Linehan, Chairperson

GENERAL FILE**LEGISLATIVE BILL 399.** Senator Moser offered the following amendment to the committee amendment:

FA14

Amend AM286

On page 1, in line 23, after "since" strike "youth is the time" and insert "young" and on page 2, in line 18 strike "adequately".

SENATOR HILKEMANN PRESIDING

Senator Chambers offered the following motion:

MO13

Bracket until June 6, 2019.

Pending.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 26.** Introduced by Erdman, 47.

WHEREAS, Jaclund "Jack" D. Mills was born to Dale and Fern Mills on August 22, 1937, in Holdrege; and

WHEREAS, Jack graduated from Superior High School, attended Kearney State College and the University of Nebraska, and earned a degree in Business Administration from Bellevue University; and

WHEREAS, Jack was an entrepreneur in the grain, fertilizer, and cattle business in Big Springs and a farmer and rancher in Deuel and Garden Counties; and

WHEREAS, Jack served his community as a member of the local Educational Service Unit board, the Big Springs School Board, and the local library board; and

WHEREAS, Jack was elected to the Nebraska Legislature in 1974, served District 44 until 1978 with dignity and integrity, and played a key role in landmark groundwater legislation; and

WHEREAS, Jack worked for twenty-two years as the executive director of the Nebraska Association of County Officials and will be remembered for his pioneering work on the formation of intergovernmental risk pools that have saved the counties and taxpayers millions of dollars; and

WHEREAS, in retirement, Jack served on the boards of directors for Blue Cross Blue Shield, where he earned the title of Chairman of the Board Emeritus, Prime Therapeutics, and the Spinal Research Foundation, and as president of the Villas at Island Club Condominium Association; and

WHEREAS, Jack served his community as a Shriner, a Mason, a member of the Scottish Rite and decorated as Knight Commander of the Court of Honour, and a member of St. Mark's United Methodist Church where he served on the Finance Committee; and

WHEREAS, Jack and his wife Norma raised four children and welcomed eleven grandchildren; and

WHEREAS, Jack, with his wife Norma by his side, spent a lifetime representing Nebraska honorably, competently, and diplomatically and will be remembered as a true statesman; and

WHEREAS, Jack Mills passed away February 14, 2019, at the age of 81.

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

1. That the Legislature honors the life and service of Jaclund "Jack" D. Mills.
2. That the Legislature extends deepest sympathy to the family of Jack Mills.
3. That a copy of this resolution be sent to the family of Jack Mills.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to LB160:
AM407

(Amendments to E&R amendments, ER 35)

- 1 1. On page 2, strike beginning with "For" in line 12 through line
- 2 20.

Senator Crawford filed the following amendment to LB124:
AM405

(Amendments to Standing Committee amendments, AM199)

- 1 1. Insert the following new section:
- 2 Sec. 3. Since an emergency exists, this act takes effect when passed
- 3 and approved according to law.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Adams, Greg - Nebraska Educational Telecommunications Commission -
Education
Allen, Robert E. - Nebraska Game and Parks Commission - Natural
Resources
Arp, Don, Jr. - Director, Nebraska Crime Commission - Judiciary
Bley, Steven - Boiler Safety Code Advisory Board - Business and Labor
Chaney, John - Board of Trustees of the Nebraska State Colleges -
Education
Engles, Robert - Board of Trustees of the Nebraska State Colleges -
Education
Hoggatt, John M. - Nebraska Game and Parks Commission - Natural
Resources
Hollman, Scott - Boiler Safety Code Advisory Board - Business and Labor
Jensen, Jeremy - State Fair Board - Agriculture
Kircher, Patricia - Nebraska Educational Telecommunications Commission
- Education
Phipps, Thomas - Boiler Safety Code Advisory Board - Business and Labor
Reida, Frank - Nebraska Power Review Board - Natural Resources
Turman, Paul - Nebraska Educational Telecommunications Commission -
Education

(Signed) Mike Hilgers, Chairperson
Executive Board

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 616. Placed on General File with amendment.
AM442

- 1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. Section 39-1349, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 39-1349 (1) Except as provided in subsections ~~(5)~~ ~~(3)~~ and ~~(6)~~ ~~(4)~~ of
6 this section, all contracts for the construction, reconstruction,
7 improvement, maintenance, or repair of state highway system roads and
8 bridges and their appurtenances shall be let by the department to the
9 lowest responsible bidder. Bidders on such contracts must be prequalified
10 to bid by the department except as provided in subsection (2) of section
11 39-1351. The department may reject any or all bids and cause the work to
12 be done as may be directed by the department.

13 ~~(2)~~ Except as provided in subsection (3) of this section, if ~~if~~ the
14 contractor has furnished the department all required records and reports,
15 the department shall pay to the contractor interest at a rate three
16 percentage points above the average annual Federal Reserve composite
17 prime lending rate for the previous calendar year rounded to the nearest
18 one-tenth of one percent on the amount retained and on the final payment
19 due the contractor beginning sixty days after the work under the contract
20 has been completed as evidenced by the completion date established in the
21 department's letter of tentative acceptance or, when tentative acceptance
22 has not been issued, beginning sixty days after completion of the work
23 and running until the date when payment is tendered to the contractor.

24 ~~(3)~~ Subsection (2) of this section shall not apply to contracts
25 which provide for payment pursuant to a set schedule over a period of
26 time that extends beyond the completion of construction.

27 ~~(4)~~ ~~(2)~~ When the department is required by acts of Congress and
1 rules and regulations made by an agent of the United States in pursuance
2 of such acts to predetermine minimum wages to be paid laborers and
3 mechanics employed on highway construction, the Director-State Engineer
4 shall cause minimum rates of wages for such laborers and mechanics to be
5 predetermined and set forth in contracts for such construction. The
6 minimum rates shall be the scale of wages which the Director-State
7 Engineer finds are paid and maintained by at least fifty percent of the
8 contractors in performing highway work contracted with the department
9 unless the Director-State Engineer further finds that such scale of wages
10 so determined would unnecessarily increase the cost of such highway work
11 to the state, in which event he or she shall reduce such determination to
12 such scale of wages as he or she finds is required to avoid such
13 unnecessary increase in the cost of such highway work.

14 ~~(5)~~ ~~(3)~~ The department, in its sole discretion, may permit a city or
15 county to let state or federally funded contracts for the construction,
16 reconstruction, improvement, maintenance, or repair of state highways,
17 bridges, and their appurtenances located within the jurisdictional
18 boundaries of such city or county, to the lowest responsible bidder when
19 the work to be let is primarily local in nature and the department
20 determines that it is in the public interest that the contract be let by
21 the city or the county. Bidders on such contracts must be prequalified to
22 bid by the department except as provided in subsection (2) of section
23 39-1351.

24 ~~(6)~~ (4) The department, in its sole discretion, may permit a federal
 25 agency to let contracts for the construction, reconstruction,
 26 improvement, maintenance, or repair of state highways, bridges, and their
 27 appurtenances and may permit such federal agency to perform any and all
 28 other aspects of the project to which such contract relates, including,
 29 but not limited to, preliminary engineering, environmental clearance,
 30 final design, and construction engineering, when the department
 31 determines that it is in the public interest to do so. Bidders on such
 1 contracts must be prequalified to bid by the department except as
 2 provided in subsection (2) of section 39-1351.

3 Sec. 2. Section 81-1701, Revised Statutes Cumulative Supplement,
 4 2018, is amended to read:

5 81-1701 The purpose of the Nebraska Consultants' Competitive
 6 Negotiation Act is to provide managerial control over competitive
 7 negotiations by the state for acquisition of professional architectural,
 8 engineering, landscape architecture, or land surveying services. The act
 9 does not apply to (1) contracts under section 57-1503, (2) contracts
 10 under subsection ~~(6)~~ (4) of section 39-1349, (3) contracts under sections
 11 39-2808 to 39-2823 except as provided in section 39-2810, or (4)
 12 contracts under the State Park System Construction Alternatives Act
 13 except as provided in section 37-1719.

14 Sec. 3. Original section 39-1349, Reissue Revised Statutes of
 15 Nebraska, and section 81-1701, Revised Statutes Cumulative Supplement,
 16 2018, are repealed.

(Signed) Curt Friesen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 399. The Chambers motion, MO13, found in this
 day's Journal, to bracket until June 6, 2019, was renewed.

Pending.

AMENDMENT(S) - Print in Journal

Senator Chambers filed the following amendment to LB399:

FA15

Amend AM286

1. Page 5, line 17, 18, strike and show as stricken: "George Washington's
 birthday" and insert, "the birthday of George Washington who was a
 slaveholder".

2. Page 5, lines 18, 19, strike and show as stricken "Dr. Martin Luther King,
 Jr.'s birthday" and insert, "the birthday of Dr. Martin Luther King, Jr. who
 was awarded the Nobel Peace Prize for his work to achieve social justice".

Senator Hunt filed the following amendment to LB399:

AM443

(Amendments to Standing Committee amendments, AM286)

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

2 insert the following new sections:

3 Section 1. Section 79-724, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 79-724 A central role of schools is to impart civic knowledge and
 6 skills to emphasize the value of a civic education. An informed, loyal,
 7 just, and patriotic citizenry is necessary to a strong, stable, just, and
 8 prosperous America. Such a citizenry necessitates that every member
 9 thereof be fully acquainted with the nation's history and that he or she
 10 be in full accord with our form of government and fully aware of the
 11 liberties, opportunities, and advantages of which we are possessed and
 12 the sacrifices and struggles of those through whose efforts these
 13 benefits were gained. Since youth is the time most susceptible to the
 14 acceptance of principles and doctrines that will influence men and women
 15 throughout their lives, it is one of the first duties of our educational
 16 system to conduct its activities, choose its textbooks, and arrange its
 17 curriculum in such a way that the love of liberty, justice, democracy,
 18 and America will be instilled in the hearts and minds of the youth of the
 19 state.

20 (1) The Every school board of each school district shall, at the
 21 beginning of each calendar school year, appoint from its members a
 22 committee of three, to be known as the committee on American civics
 23 Americanism. The committee on American civics Americanism shall:

24 (a) Hold no fewer than two public meetings annually, at least one
 25 where public testimony is accepted;

26 (b) Keep minutes of each meeting showing the time and place of the
 1 meeting, which members were present or absent, and the substance and
 2 details of all matters discussed;

3 (c) Carefully examine and ensure that the social studies curriculum
 4 used in the district is aligned to the social studies standards adopted
 5 pursuant to section 79-760.01 and teaches foundational knowledge in
 6 civics, history, economics, financial literacy, and geography;

7 (d) Ensure that any curriculum recommended or approved by the
 8 committee on American civics is made readily accessible to the public and
 9 contains a reference to this section;

10 (e) Ensure that the district develops and utilizes formative,
 11 interim, and summative assessments to measure student mastery of the
 12 social studies standards adopted pursuant to section 79-760.01;

13 (f) Ensure that the social studies curriculum in the district
 14 incorporates one or more of the following for each student:

15 (i) Administration of a written test that is identical to the entire
 16 civics portion of the naturalization test used by United States
 17 Citizenship and Immigration Services prior to the completion of eighth
 18 grade and again prior to the completion of twelfth grade with the
 19 individual score from each test for each student made available to a
 20 parent or guardian of such student; or

21 (ii) Attendance or participation between the commencement of eighth
 22 grade and the completion of twelfth grade in a meeting of a public body
 23 as defined by section 84-1409 followed by the completion of a project or
 24 paper in which each student demonstrates or discusses the personal
 25 learning experience of such student related to such attendance or
 26 participation; or
 27 (iii) Completion of a project or paper and a class presentation
 28 between the commencement of eighth grade and the completion of twelfth
 29 grade concerning a person or persons or an event commemorated by a
 30 national or state holiday or on a topic related to such person or persons
 31 or event; and
 1 (a) Carefully examine, inspect, and approve all textbooks used in
 2 the teaching of American history and civil government in the school. Such
 3 textbooks shall adequately stress the services of the men and women who
 4 achieved our national independence, established our constitutional
 5 government, and preserved our union and shall be so written to include
 6 contributions by ethnic groups as to develop a pride and respect for our
 7 institutions and not be a mere recital of events and dates;
 8 (b) Assure themselves as to the character of all teachers employed
 9 and their knowledge and acceptance of the American form of government;
 10 and
 11 (g) Assure (e) Take all such other steps as will assure the carrying
 12 out of the provisions of this section and provide a report to the school
 13 board regarding the committee's findings and recommendations.
 14 (2) All American history courses approved for grade levels as
 15 provided by this section shall include and adequately stress
 16 contributions of all ethnic groups (a) to the development and growth of
 17 America into a great nation, (b) to art, music, education, medicine,
 18 literature, science, politics, and government, and (c) to the war
 19 services in all wars of this nation.
 20 (2) (3) All grades of all public, private, denominational, and
 21 parochial schools, below the sixth grade, shall devote at least one hour
 22 per week to exercises or teaching periods for the discussion following
 23 purpose: (a) The recital of stories having to do with American history or
 24 the deeds and exploits of American heroes; (b) The singing of patriotic
 25 songs and the insistence that every pupil memorize the Star Spangled
 26 Banner and America; and (c) The development of reverence for the flag and
 27 instruction as to proper conduct in its presentation.
 28 (3) (4) In at least two of the three grades from the fifth grade to
 29 the eighth grade in all public, private, denominational, and parochial
 30 schools, time at least three periods per week shall be set aside for to
 31 be devoted to the teaching of American history from the social studies
 1 standards adopted pursuant to section 79-760.01 approved textbooks,
 2 taught in such a way as to make the course interesting and attractive and
 3 to develop a love of country.
 4 (4) (5) In at least two courses in grades of every high school, time
 5 at least three periods per week shall be devoted to the teaching of
 6 civics and American history as outlined in the social studies standards
 7 adopted pursuant to section 79-760.01, during which courses specific

8 attention shall be given to the following matters:

9 (a) ~~The Declaration of Independence, the United States Constitution,~~
10 ~~and the Constitution of Nebraska, and the structure and function of local~~
11 ~~government in this state;~~

12 (b) ~~The rights and responsibilities of citizenship in our~~
13 ~~government; benefits and advantages of our form of government and the~~
14 ~~dangers and fallacies of Nazism, Communism, and similar ideologies; and~~

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

18 (d) ~~The application of civics, history, economics, financial~~
19 ~~literacy, and geography to address societal issues.~~

20 ~~(5) (6) Appropriate patriotic exercises suitable to the occasion may~~
21 ~~shall be held under the direction of the superintendent in every public,~~
22 ~~private, denominational, and parochial school on national and state~~
23 ~~holidays Lincoln's birthday, Washington's birthday, Flag Day, Memorial~~
24 ~~Day, and Veterans Day, or on the day preceding or following such holiday,~~
25 ~~if the school is in session.~~

26 ~~(7) Every school board, the State Board of Education, and the~~
27 ~~superintendent of each school district in the state shall be held~~
28 ~~directly responsible in the order named for carrying out this section,~~
29 ~~and neglect thereof by any employee or appointed official shall be~~
30 ~~considered a dereliction of duty and cause for dismissal.~~

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

2 79-727 The State Board of Education shall adopt and promulgate
3 rules and regulations to carry out the provisions of sections 79-724
4 through 79-727. The State Department of Education shall ensure that all
5 requirements of such sections and such rules and regulations are carried
6 out by each school district ~~Any person violating the provisions of~~
7 ~~sections 79-724 to 79-726 is guilty of a Class III misdemeanor.~~

8 Sec. 3. Section 79-760.01, Revised Statutes Cumulative Supplement,
9 2018, is amended to read:

10 79-760.01 The State Board of Education shall adopt measurable
11 academic content standards for at least the grade levels required for
12 statewide assessment pursuant to section 79-760.03 and the teaching of
13 civics and American history pursuant to section 79-724. The standards
14 shall cover the subject areas of reading, writing, mathematics, science,
15 and social studies. The standards adopted shall be sufficiently clear and
16 measurable to be used for testing student performance with respect to
17 mastery of the content described in the state standards. The State Board
18 of Education shall develop a plan to review and update standards for each
19 subject area every seven years. The state board plan shall include a
20 review of commonly accepted standards adopted by school districts.

21 Sec. 4. Original sections 79-724 and 79-727, Reissue Revised
22 Statutes of Nebraska, and section 79-760.01, Revised Statutes Cumulative
23 Supplement, 2018, are repealed.

NOTICE OF COMMITTEE HEARING(S)

Education

Room 1525

Tuesday, March 5, 2019 1:30 p.m.

LB432
LB671
LB674
LB534

(Signed) Mike Groene, Chairperson

Appropriations

Room 1524

Monday, March 4, 2019 1:30 p.m.

LB425
LB552
LB562
Agency 51 - University of Nebraska System

(Signed) John Stinner, Chairperson

COMMITTEE REPORT(S)

Revenue

LEGISLATIVE BILL 284. Placed on General File with amendment.
AM392 is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 191. Placed on General File.**LEGISLATIVE BILL 239.** Placed on General File.**LEGISLATIVE BILL 30.** Placed on General File with amendment.
AM302 is available in the Bill Room.**LEGISLATIVE BILL 212.** Placed on General File with amendment.
AM380 is available in the Bill Room.**LEGISLATIVE BILL 381.** Placed on General File with amendment.
AM2071 1. On page 105, strike line 10 and insert "per diem rates of the

2 federal General Services Administration for travel within the contiguous
3 United States, the United States Department of Defense for travel within
4 Alaska, Hawaii, or a United States territory or possession, and the
5 United States Department of State for foreign travel, as determined by".

(Signed) Tom Brewer, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Wayne name added to LB174.

Senator Groene name added to LB439.

VISITOR(S)

Visitors to the Chamber were students from St. Joseph Catholic School, Lincoln; members of the UNMC Student Delegates from across the state; and Senator Crawford's son, Phil Crawford, from Bellevue and William Hayes from Salina, KS.

ADJOURNMENT

At 11:52 a.m., on a motion by Senator M. Hansen, the Legislature adjourned until 9:00 a.m., Tuesday, February 26, 2019.

Patrick J. O'Donnell
Clerk of the Legislature

