

FORTY-SEVENTH DAY - MARCH 15, 2017**LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION****FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 15, 2017

PRAYER

The prayer was offered by Pastor Scott Jensen, Fremont Health Medical Center, Fremont.

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 Bolz, Groene, Harr, Hughes, Larson, McCollister, Stinner, Watermeier, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 8. Placed on Final Reading.

LEGISLATIVE BILL 85. Placed on Final Reading.

LEGISLATIVE BILL 99. Placed on Final Reading.

LEGISLATIVE BILL 184. Placed on Final Reading.

ST1

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

1. On page 4, line 2, "an other" has been struck, the old matter shown as stricken, and "another" inserted.

LEGISLATIVE BILL 185. Placed on Final Reading.

LEGISLATIVE BILL 186. Placed on Final Reading.

LEGISLATIVE BILL 203. Placed on Final Reading.

(Signed) Anna Wishart, Chairperson

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 480. Placed on General File with amendment.
AM566

1 1. Strike original section 1 and insert the following new sections:

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

3 (a) Notwithstanding section 44-3,131, health insurance policy means

4 (i) any individual or group sickness and accident insurance policy or

5 subscriber contract delivered, issued for delivery, or renewed in this

6 state and any hospital, medical, or surgical expense-incurred policy,

7 except for a policy that provides coverage for a specified disease or

8 other limited-benefit coverage, and (ii) any self-funded employee benefit

9 plan to the extent not preempted by federal law;

10 (b) Jail means a city or county correctional or jail facility

11 operated by a political subdivision of the state;

12 (c) Pending disposition of charges means up until the time of

13 sentencing and shall not include any time after sentencing as may occur

14 due to appeals; and

15 (d) Temporary custody means in the custody of a jail pending

16 disposition of charges.

17 (2) Except as provided in subsection (4) of this section, an insurer

18 offering a health insurance policy may not (i) cancel the coverage of an

19 insured while the insured is in temporary custody on the basis of such

20 custody or (ii) deny coverage for any medical services or supplies

21 covered by the policy and received while the insured is in temporary

22 custody if such services or supplies were provided to the insured by an

23 employee or contractor of a jail who meets the credentialing criteria of

24 the health insurance policy.

25 (3) Except as set forth under section 47-704, an insurer offering a

26 health insurance policy shall pay claims for covered medical services or

27 supplies provided by an out-of-network health care provider to an insured

1 who is in temporary custody in an amount that is not less than one

2 hundred percent of the medicare rate for such services or supplies. The

3 political subdivision acting as an out-of-network provider shall notify

4 the insurer of the cost incurred by the insured while in temporary

5 custody.

6 (4) An insurer offering a health insurance policy may:

7 (a) Deny coverage for the treatment of injuries resulting from a

8 violation of law by the insured;

9 (b) Exclude from any requirements for reporting quality outcomes or

10 performance any covered medical services provided to an insured in
11 temporary custody;

12 (c) Impose the same contractual provisions, including requirements

13 for billing and medical coding, under the policy for medical services

14 provided to insureds who are in temporary custody as imposed for medical

15 services provided to insureds who are not in such custody;

16 (d) Deny coverage of diagnostic tests or health evaluations required

17 as a matter of course for all individuals who are in temporary custody;

18 (e) Limit coverage of hospital and ambulatory surgical center
19 services provided to an insured in temporary custody to medical services
20 provided by in-network hospitals and ambulatory surgical centers;
21 (f) Deny coverage for costs of medical services made necessary by
22 the negligence, recklessness, or intentional misconduct of the jail or
23 its employees as set forth in section 47-705; and
24 (g) If an insured is incarcerated after the disposition of charges
25 or is committed to the custody or supervision of the Department of
26 Correctional Services, cancel coverage or deny coverage for any medical
27 services or supplies covered by the plan and provided during such
28 incarceration or while in the custody or supervision of the department.
29 (5) If an insured is incarcerated after the disposition of charges
30 or is committed to the custody or supervision of the Department of
31 Correctional Services, a jail which has sought reimbursement for medical
1 services under this section shall notify the insurer that the insured has
2 been subsequently incarcerated or placed in such custody.
3 (6)(a) An insurer may not refuse to credential a health care
4 provider who is an employee or a contractor of a political subdivision on
5 the basis that the employee or contractor provides medical services in a
6 jail.
7 (b) If an insurer refuses to credential a health care provider who
8 is an employee or a contractor of a political subdivision who provides
9 medical services in a jail, the insurer must give written notice to the
10 provider explaining the reasons for the refusal.
11 (7) This section shall not:
12 (a) Apply to coverage for an insured in custody following the
13 disposition of charges;
14 (b) Impair any right of an employer to remove an employee from
15 coverage under a health insurance plan;
16 (c) Release an insurer from the requirement to coordinate benefits
17 for persons who are insured by more than one insurer; or
18 (d) Limit an insurer's right to rescind coverage in accordance with
19 law.
20 (8) A political subdivision shall not pay health insurance policy
21 premiums on behalf of a person who is in temporary custody.
22 (9) This section applies to health insurance policies issued or
23 renewed on or after January 1, 2018, and to claims for reimbursement
24 based on such policies for costs incurred on or after January 1, 2018.
25 Sec. 2. Section 47-701, Reissue Revised Statutes of Nebraska, is
26 amended to read:
27 47-701 (1) Notwithstanding any other provision of law, and except as
28 provided in section 1 of this act, sections 47-701 to 47-705 shall govern
29 responsibility for payment of the costs of medical services for any
30 person ill, wounded, injured, or otherwise in need of such services at
31 the time such person is arrested, detained, taken into custody, or
1 incarcerated.
2 (2) For purposes of sections 47-701 to 47-705, the term medical
3 services includes medical and surgical care and treatment,
4 hospitalization, transportation, medications and prescriptions, and other

5 associated items.

6 Sec. 3. The Revisor of Statutes shall assign section 1 of this act
7 to Chapter 44, article 7.

8 Sec. 4. Original section 47-701, Reissue Revised Statutes of

9 Nebraska, is repealed.

(Signed) Brett Lindstrom, Chairperson

Health and Human Services

LEGISLATIVE BILL 225. Placed on General File with amendment.
AM611 is available in the Bill Room.

LEGISLATIVE BILL 297. Placed on General File with amendment.
AM365

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

2 sections:

3 Section 1. (1) The Children and Juveniles Data Feasibility Study

4 Advisory Group is created. The advisory group shall oversee a feasibility

5 study to identify how existing state agency data systems currently used

6 to account for the use of all services, programs, and facilities by

7 children and juveniles in the State of Nebraska can be used to establish

8 an independent, external data warehouse. The Foster Care Review Office

9 shall provide administrative support for the feasibility study and the

10 advisory group.

11 (2) The advisory group shall include the Inspector General of

12 Nebraska Child Welfare or his or her designee, the State Court

13 Administrator or his or her designee, the probation administrator of the

14 Office of Probation Administration or his or her designee, the executive

15 director of the Nebraska Commission on Law Enforcement and Criminal

16 Justice or his or her designee, the Commissioner of Education or his or

17 her designee, the executive director of the Foster Care Review Office or

18 his or her designee, the Chief Information Officer of the office of Chief

19 Information Officer or his or her designee, and the chief executive

20 officer of the Department of Health and Human Services or his or her

21 designee.

22 (3) The advisory group shall:

23 (a) Meet at least twice a year;

24 (b) Carry out in good faith the duties provided in this section;

25 (c) Create a Data Steering Subcommittee. Each member of the advisory

26 group shall designate one representative from his or her agency with

27 specific technical knowledge of the agency's data structure, limitation,

1 and capabilities to serve on the subcommittee. The subcommittee shall

2 meet regularly to manage and discuss data-related items, including the

3 technological and system issues of each agency's current data system,

4 specific barriers that impact the implementation of a data warehouse, and

5 steps necessary to establish and sustain a data warehouse. The

6 subcommittee shall report its findings to the advisory group;

7 (d) Create an Information-Sharing Subcommittee. Each member of the

8 advisory group shall designate one representative from his or her agency
 9 with specific knowledge of the agency's legal and regulatory
 10 responsibilities and restrictions related to sharing data to serve on the
 11 subcommittee. The subcommittee shall meet regularly to manage and discuss
 12 the legal and regulatory barriers to establishing a data warehouse and to
 13 identify possible solutions. The subcommittee shall report its findings
 14 to the advisory group; and
 15 (e) Submit a written report electronically to the Legislature on
 16 October 1 of 2017 and 2018, detailing the technical and legal steps
 17 necessary to establish the Children and Juveniles Data Warehouse by July
 18 1, 2019. The October 1, 2018, report shall include the final results of
 19 the feasibility study to establish the data warehouse by July 1, 2019.
 20 The results of the feasibility study shall not be binding on any agency.
 21 (4) For purposes of this section, independent, external data
 22 warehouse means a data system which allows for the collection, storage,
 23 and analysis of data from multiple agencies but is not solely controlled
 24 by the agencies providing the data.
 25 (5) This section terminates on December 31, 2019.
 26 Sec. 2. Section 43-1318, Reissue Revised Statutes of Nebraska, is
 27 amended to read:
 28 43-1318 Sections 43-1301 to 43-1321 and section 1 of this act
 29 ~~43-1322~~ shall be known and may be cited as the Foster Care Review Act.
 30 Sec. 3. Original section 43-1318, Reissue Revised Statutes of
 31 Nebraska, is repealed.
 1 Sec. 4. The following section is outright repealed: Section
 2 43-1322, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 298. Placed on General File with amendment.
 AM537 is available in the Bill Room.

LEGISLATIVE BILL 417. Placed on General File with amendment.
 AM579

1 1. Strike original sections 3, 4, 8, 15, 27 to 31, and 33 and insert
 2 the following new section:
 3 Sec. 23. Original sections 13-308, 28-372, 38-101, 38-123, 43-296,
 4 68-949, 71-6038, 71-6039.06, 71-6603, 81-2210, 81-2273, 81-2274, 81-2275,
 5 81-2279, 81-2281, and 81-2283, Reissue Revised Statutes of Nebraska, and
 6 sections 68-908, 68-909, 71-806, 71-810, 71-1904, and 71-6039, Revised
 7 Statutes Cumulative Supplement, 2016, are repealed.
 8 2. Renumber the remaining sections accordingly.

(Signed) Merv Riepe, Chairperson

Revenue

LEGISLATIVE BILL 44. Placed on General File.

LEGISLATIVE BILL 98. Placed on General File.

LEGISLATIVE BILL 51. Placed on General File with amendment.

AM267

1 1. Strike original section 2 and insert the following new section:

2 Sec. 2. Section 77-1807, Revised Statutes Cumulative Supplement,

3 2016, is amended to read:

4 77-1807 ~~(1)(a) This subsection applies until January 1, 2015.~~

5 ~~(b) Except as otherwise provided in subdivision (c) of this~~
 6 ~~subsection, the person who offers to pay the amount of taxes due on any~~
 7 ~~real property for the smallest portion of the same shall be the~~
 8 ~~purchaser, and when such person designates the smallest portion of the~~
 9 ~~real property for which he or she will pay the amount of taxes assessed~~
 10 ~~against any such property, the portion thus designated shall be~~
 11 ~~considered an undivided portion.~~

12 ~~(c) If a land bank gives an automatically accepted bid for the real~~
 13 ~~property pursuant to section 19-5217, the land bank shall be the~~
 14 ~~purchaser, regardless of the bid of any other person.~~

15 ~~(d) If no person bids for a less quantity than the whole and no land~~
 16 ~~bank has given an automatically accepted bid pursuant to section 19-5217,~~
 17 ~~the treasurer may sell any real property to any one who will take the~~
 18 ~~whole and pay the taxes and charges thereon.~~

19 ~~(e) If the homestead is listed separately as a homestead, it shall~~
 20 ~~be sold only for the taxes delinquent thereon.~~

21 ~~(2)(a) This subsection applies beginning January 1, 2015.~~

22 ~~(1) (b) If a land bank gives an automatically accepted bid for real~~
 23 ~~property pursuant to section 19-5217, the land bank shall be the~~
 24 ~~purchaser and no public or private auction shall be held under sections~~
 25 ~~77-1801 to 77-1863.~~

26 ~~(2) (e) If no land bank has given an automatically accepted bid~~
 27 ~~pursuant to section 19-5217, the person who offers to pay the amount of~~
 1 ~~taxes, delinquent interest, and costs due on any real property and who~~
 2 ~~bids the lowest interest rate to be received upon the redemption of such~~
 3 ~~real property shall be the purchaser.~~

4 ~~(3) (d) The county treasurer shall announce bidding rules at the~~
 5 ~~beginning of the public auction, and such rules shall apply to all~~
 6 ~~bidders throughout the public auction. The first bid given at the public~~
 7 ~~auction shall be a whole number, and subsequent bids shall only be given~~
 8 ~~in decrements of one-half percent or one percent.~~

9 ~~(4) (e) The sale, if conducted in a round-robin format, shall be~~
 10 ~~consistent with bidding rules as announced by the county treasurer and~~
 11 ~~shall be conducted in substantially the following manner:~~

12 ~~(a) (i) At the commencement of the sale, a count shall be taken of~~
 13 ~~the number of registered bidders present who want to be eligible to~~
 14 ~~purchase property. Each registered bidder shall only be counted once. If~~
 15 ~~additional registered bidders appear at the sale after the commencement~~
 16 ~~of a round, such registered bidders shall have the opportunity to~~
 17 ~~participate at the end of the next following round, if any, as provided~~
 18 ~~in subdivision ~~(4)(e) (v) of this section~~ ~~subdivision~~;~~

19 ~~(b) (ii) Sequentially enumerated tickets shall be placed in a~~
 20 ~~receptacle. The number of tickets in the receptacle for the first round~~

21 shall equal the count taken in subdivision ~~(4)(a) (i)~~ of this section
 22 ~~subdivision~~, and the number of tickets in the receptacle for each
 23 subsequent round shall equal the number of the count taken in subdivision
 24 ~~(4)(a) (i)~~ of this section ~~subdivision~~ plus additional registered bidders
 25 as provided in subdivision ~~(4)(e) (v)~~ of this section ~~subdivision~~;
 26 ~~(c) (iii)~~ In a manner determined by the county treasurer, tickets
 27 shall be selected from the receptacle by hand for each registered bidder
 28 whereby each ticket has an equal chance of being selected. Tickets shall
 29 be selected until there are no tickets remaining in the receptacle;
 30 ~~(d) (iv)~~ The number on the ticket selected for a registered bidder
 31 shall represent the order in which a registered bidder may bid on
 1 ~~purchase~~ property consisting of one parcel subject to sale from the list
 2 per round; and
 3 ~~(e) (v)~~ If property listed remains unsold at the end of a round, a
 4 new round shall commence until all property listed is either sold or, if
 5 any property listed remains unsold, each registered bidder has
 6 consecutively passed on the opportunity to make a purchase. Registered
 7 bidders who are not present when it is their turn to bid ~~purchase~~
 8 ~~property~~ shall be considered to have passed on the opportunity to make a
 9 purchase. At the beginning of the second and any subsequent rounds, the
 10 county treasurer shall inquire whether there are additional registered
 11 bidders. If additional registered bidders are present, tickets for each
 12 such bidder shall be placed in a receptacle and selected as provided in
 13 subdivisions ~~(4)(b) (ii)~~ through ~~(d) (iv)~~ of this section ~~subdivision~~.
 14 The second and any subsequent rounds shall proceed in the same manner and
 15 bidding ~~purchase~~ order as the last preceding round, except that any
 16 additional registered bidders shall be given the opportunity to bid
 17 ~~purchase~~ at the end of the round in the order designated on their ticket.
 18 ~~(5) (f)~~ Any property remaining unsold upon completion of the public
 19 auction shall be sold at a private sale pursuant to section 77-1814.
 20 ~~(6) (g)~~ A bidder shall ~~(a) (i)~~ register with the county treasurer
 21 prior to participating in the sale, ~~(b) (ii)~~ provide proof that it
 22 maintains a registered agent for service of process with the Secretary of
 23 State if the bidder is a foreign corporation, and ~~(c) (iii)~~ pay a twenty-
 24 five-dollar registration fee. The fee is not refundable upon redemption.
 25 ~~(7)~~ If any bidder at a public auction held pursuant to this section
 26 knowingly and willfully colludes with another bidder to obtain an
 27 interest rate under this section that he or she would not have obtained
 28 had the auction been conducted fairly, such sale shall, after notice,
 29 hearing, and a finding of collusion, be voidable by the county board, and
 30 the bidder shall in all counties be forever barred from participating in
 31 any future public auctions under this section. Such determination by the
 1 county board may be appealed to the district court of such county.

LEGISLATIVE BILL 291. Placed on General File with amendment.
AM530

1 1. On page 3, line 12, strike "ten million" and insert "two hundred
2 fifty thousand".

LEGISLATIVE BILL 535. Placed on General File with amendment.
AM203

- 1 1. On page 3, line 19, before "except" insert "or any subsequent
- 2 assignment of an easement or such lease."

(Signed) Jim Smith, Chairperson

Business and Labor

LEGISLATIVE BILL 211. Placed on General File.

(Signed) Joni Albrecht, Chairperson

Health and Human Services

LEGISLATIVE BILL 117. Placed on General File with amendment.
AM46

- 1 1. On page 4, lines 23 and 25, strike "certification" and insert
- 2 "enrollment".

(Signed) Merv Riepe, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 152. Placed on General File.

LEGISLATIVE BILL 209. Placed on General File.

LEGISLATIVE BILL 340. Placed on General File.

LEGISLATIVE BILL 365. Placed on General File.

LEGISLATIVE BILL 494. Placed on General File with amendment.
AM555

- 1 1. On page 3, strike lines 21 through 26 and insert the following
- 2 new subdivision:
- 3 "(9) Information that relates details of physical and cyber assets
- 4 of critical energy infrastructure or critical electric infrastructure as
- 5 defined in 18 C.F.R. 388.113, the disclosure of which would pose a threat
- 6 to national security, public health or safety, or any combination of such
- 7 matters, including (a) the identity of personnel whose primary job
- 8 responsibility involves protection of such physical or cyber assets and
- 9 (b) specific engineering, vulnerability, or detailed design information
- 10 about proposed or existing critical energy infrastructure that (i)
- 11 relates details about the production, generation, transportation,
- 12 transmission, or distribution of energy, (ii) could be useful to a person
- 13 in planning an attack on critical infrastructure, and (iii) does not
- 14 simply give the general location of the critical infrastructure."

LEGISLATIVE BILL 628. Placed on General File with amendment.
AM405

- 1 1. Insert the following new sections:
- 2 Sec. 2. (1) For purposes of this section, online hosting platform

3 means a marketplace connected by computer to one or more other computers
4 or networks, as through a commercial electronic information service or
5 the Internet, through which (a) a seller or hotel operator may rent or
6 furnish any room or rooms, lodgings, or accommodations in a hotel, a
7 motel, an inn, a tourist camp, a tourist cabin, or any other place. (b)
8 such room or rooms, lodgings, or accommodations may be advertised or
9 listed, and (c) a purchaser or occupant may arrange for the occupancy of
10 such room or rooms, lodgings, or accommodations.
11 (2) The Tax Commissioner may enter into an agreement with an online
12 hosting platform to permit the online hosting platform to collect and pay
13 the applicable sales taxes imposed under the Local Option Revenue Act,
14 the Nebraska Revenue Act of 1967, the Nebraska Visitors Development Act,
15 and sections 13-318 to 13-326 and 13-2813 to 13-2816 on behalf of the
16 seller or hotel operator otherwise required to collect such taxes solely
17 for transactions consummated between the seller or hotel operator and the
18 purchaser or occupant through the online hosting platform. Upon entering
19 into such agreement with the online hosting platform, the Tax
20 Commissioner shall waive the tax collection responsibility of a seller or
21 hotel operator for transactions consummated through the online hosting
22 platform for which the online hosting platform has assumed this
23 responsibility. The online hosting platform shall give written notice to
24 each seller or hotel operator which is covered by the agreement between
25 the online hosting platform and the Tax Commissioner.
26 (3) Upon entering into an agreement with the Tax Commissioner under
27 this section, the online hosting platform shall report aggregate
1 information on the tax return prescribed by the Tax Commissioner,
2 including an aggregate of gross receipts, exemptions, adjustments, and
3 taxable receipts of all transactions subject to the agreement.
4 (4) Taxes payable by an online hosting platform on transactions
5 subject to the agreement shall be subject to audit only by the Tax
6 Commissioner at his or her sole discretion. An audit of an online hosting
7 platform shall be conducted solely on the basis of the tax identification
8 number associated with each online hosting platform and shall not be
9 conducted directly or indirectly on any seller, hotel operator,
10 purchaser, or occupant involved in any such transaction. Any such audit
11 shall be conducted on the basis of returns and supporting documents filed
12 by the online hosting platform with the Tax Commissioner. An online
13 hosting platform shall not be required to disclose any personally
14 identifiable information relating to any seller, hotel operator,
15 purchaser, or occupant involved in any such transaction.
16 Sec. 3. Section 77-2701, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:
18 77-2701 Sections 77-2701 to 77-27,135.01, 77-27,235, 77-27,236, and
19 77-27,238 and section 2 of this act shall be known and may be cited as
20 the Nebraska Revenue Act of 1967.
21 Sec. 4. Original section 77-2701, Revised Statutes Cumulative
22 Supplement, 2016, is repealed.

(Signed) John Murante, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 67. Introduced by Clements, 2; Watermeier, 1.

WHEREAS, the Nebraska City Lourdes Central Catholic High School boys' basketball team won the 2017 Class D-1 Boys' State Basketball Championship; and

WHEREAS, this is the second consecutive state championship win for the Knights boys' basketball team; and

WHEREAS, the Knights are only the fourth team in Class D-1 history to achieve back-to-back state championships; and

WHEREAS, the Knights won against the West Point Guardian Angels Central Catholic Bluejays with a score of 47-44; and

WHEREAS, Coach Joe Tynon provided the leadership for the 24-5 winning season; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Lourdes Central Catholic High School boys' basketball team on winning their second consecutive Class D-1 state championship.

2. That a copy of this resolution be sent to the Knights and Coach Joe Tynon.

Laid over.

COMMUNICATION(S)

Acknowledge the receipt of a Pretrial Order and Setting of Hearing Date in the matter of the Special Committee on the Election Challenge to the Qualifications of Senator Ernie Chambers of District 11.

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services

Room 1510

Wednesday, March 22, 2017 2:00 p.m.

Scott C. Wiebe - Board of Emergency Medical Services

(Signed) Merv Riepe, Chairperson

MOTION(S) - Print in Journal

Senator Larson filed the following motion to LB368:
MO55

Reconsider the vote taken to invoke cloture.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR59 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR59.

SELECT FILE

LEGISLATIVE BILL 133. ER7, found on page 523, was adopted.

Senator Hansen offered the Wayne amendment, AM326, found on page 534.

The Wayne amendment was adopted with 30 ayes, 1 nay, 9 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 113. ER5, found on page 523, was adopted.

Senator Hansen offered his amendment, AM362, found on page 543.

SENATOR KRIST PRESIDING

The Hansen amendment was adopted with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 62. ER8, found on page 524, was adopted.

Senator Chambers reoffered his amendment, AM332, found on page 514, considered on page 517, and refiled on page 529.

Senator Chambers offered the following amendment to his amendment:

FA44

Amend AM332

Page 1, line 4 strike and show as stricken "this state" and insert "Nebraska".

Pending.

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 600. Placed on General File with amendment.

AM605

1 1. Strike original section 7 and insert the following new sections:

2 Sec. 7. Section 54-1,100, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 54-1,100 (1) A recorded brand is the property of the person causing
 5 such record to be made and is subject to sale, assignment, transfer,
 6 devise, and descent as personal property. Any instrument of writing
 7 evidencing the sale, assignment, or transfer of a recorded brand shall be
 8 effective upon its recording with the Nebraska Brand Committee. No such
 9 instrument shall be accepted for recording if the brand committee has
 10 been duly notified of the existence of a lien or security interest
 11 against livestock owned or thereafter acquired by the owner of such brand
 12 by the holder of such lien or security interest. Written notification
 13 from the holder of such lien or security interest that the lien or
 14 security interest has been satisfied or consent from the holder of such
 15 lien or security interest shall be required in order for the brand
 16 committee to accept for recording an instrument selling, assigning, or
 17 transferring such recorded brand. Except as provided in subsection (2) of
 18 this section, the fee for recording such an instrument shall be
 19 established by the brand committee and shall not be more than forty
 20 dollars. Such instrument shall give notice to all third persons of the
 21 matter recorded in the instrument and shall be acknowledged by a notary
 22 public or any other officer qualified under law to administer oaths.
 23 (2) The owner of a recorded brand may lease the brand to another
 24 person upon compliance with this subsection and subject to the approval
 25 of the brand committee. The lessee shall pay a filing fee established by
 26 the brand committee not to exceed one hundred dollars. The leased
 27 recorded brand may expire as agreed in the lease, but in no event shall
 1 such leased recorded brand exceed the original expiration date.

2 Sec. 13. Section 81-1414, Reissue Revised Statutes of Nebraska, is

3 amended to read:

4 81-1414 (1) On and after January 1, 1972, law enforcement officers
 5 already serving under permanent appointment shall not be required to meet
 6 any requirement of subsection (2) of this section as a condition of
 7 tenure or continued employment.

8 (2)(a) (2) On and after January 1, 1972, no person shall receive
 9 appointment as a law enforcement officer unless he or she has been
 10 awarded a certificate or diploma by the commission attesting to
 11 satisfactory completion of the minimum curriculum of the training center
 12 as established by the council or has been awarded a certificate or
 13 diploma attesting to satisfactory completion of a training program which
 14 the council finds equivalent thereto. Any person who has not been awarded
 15 such a certificate or diploma may receive an appointment conditioned on
 16 satisfactory completion of such training if he or she immediately applies
 17 for admission to the training center or any training academy and enrolls

18 in the next available basic training class. If such training is not
19 completed within one year after the appointment or two years as provided
20 in section 54-192, the person's employment shall not be renewed by a
21 political subdivision appointment or otherwise and such person shall no
22 longer be recognized as a law enforcement officer, except that in cases
23 of extreme hardship, upon application by the officer, the council may
24 grant a waiver to allow the officer to complete the basic training
25 program as soon as is practicable after the one-year time allowance.
26 (b) Any individual who is not certified in accordance with this
27 section and has worked as a law enforcement officer for multiple law
28 enforcement agencies or political subdivisions shall have his or her time
29 of employment aggregated in order to determine if he or she has worked
30 for more than one year. If that law enforcement officer's aggregate time
31 of employment exceeds one year, that officer shall not be recognized as a
1 law enforcement officer for any political subdivision until he or she has
2 satisfactorily completed such certification training.
3 (c) For purposes of this section, the council shall deem the
4 successful completion of the federal Bureau of Indian Affairs basic
5 police training program as administered by the Federal Law Enforcement
6 Training Center to constitute such equivalent training, and officers
7 certified by virtue of such equivalent training may exercise full law
8 enforcement authority exclusively on tribal lands.
9 (3) Law enforcement officers who are promoted in rank shall
10 satisfactorily complete such council-approved training within one year of
11 such promotion.
12 (4) At the direction of the council, the director shall issue a
13 certificate or diploma attesting to a compliance with the requirements of
14 subsection (2) or (3) of this section to any applicant who presents
15 evidence of satisfactory completion of a council-approved training
16 program.
17 2. On page 3, line 3, before "The" insert "(1)"; in line 5 strike
18 the new matter and reinstate the stricken matter; in line 13 after the
19 period insert paragraphing and "(2)"; in line 19 before "The" insert
20 paragraphing and "(3)"; in line 20 before the period insert "beginning
21 on August 28 of the year of initial appointment or reappointment and
22 concluding on August 27 of the year of expiration"; and in line 29 before
23 "The" insert paragraphing and "(4)".
24 3. On page 4, line 25, strike "and may" and insert "The executive
25 director shall also be chief investigator and chief brand inspector. Any
26 person employed as executive director who at the time of hire does not
27 possess a valid law enforcement certificate or diploma as provided in
28 subsection (2) of section 81-1414 shall complete the requirements within
29 two years after the date of hire. The executive director's duties during
30 such period prior to obtaining such certificate or diploma shall not be
31 within the authority granted under a commission as a deputy state
1 sheriff"; and strike beginning with "also" in line 26 through "both" in
2 line 27 and show the old matter as stricken.
3 4. Renumber the remaining sections and correct the repealer
4 accordingly.

(Signed) Lydia Brasch, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 263. Placed on General File with amendment.
AM538 is available in the Bill Room.

The Transportation and Telecommunications 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.

Shane Greckel - Nebraska Information Technology Commission
Daniel Spray - Nebraska Information Technology Commission

Aye: 7 Bostelman, Briese, Friesen, Geist, Hughes, Murante, Smith. Nay: 0.
Absent: 1 Hilgers. Present and not voting: 0.

The Transportation and Telecommunications 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.

Stephan Budke - Motor Vehicle Industry Licensing Board

Aye: 7 Bostelman, Briese, Friesen, Geist, Hughes, Murante, Smith. Nay: 0.
Absent: 1 Hilgers. Present and not voting: 0.

(Signed) Curt Friesen, Chairperson

AMENDMENT(S) - Print in Journal

Senator Brasch filed the following amendment to LB600:
AM613

(Amendments to Standing Committee amendments, AM605)

- 1 1. Strike section 13.
- 2 2. On page 3, strike beginning with "provided" in line 27 through
- 3 the period in line 29 and insert "required to exercise the authority of
- 4 an investigator shall complete the requirements for such certificate or
- 5 diploma within two years after the date of hire and shall assume the
- 6 title of chief investigator upon obtaining such certificate or diploma.".

Senator Krist filed the following amendment to LB14:
AM625

- 1 1. Strike the original section and insert the following new
- 2 sections:
- 3 Section 1. Section 79-724, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:

5 79-724 It is the responsibility of society to ensure that young
 6 people become competent and responsible citizens. 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 literate about our acquainted with the nation's history,
 10 government, geography, and economic system. Young people in our state
 11 should be committed to the ideas and values of our country's democracy
 12 and the constitutional republic established by the people. Schools should
 13 help prepare young people to make informed and reasoned decisions for the
 14 public good. Civic competence is necessary to sustain and improve our
 15 democratic way of life and must be taught in our schools. A central role
 16 of schools is to impart civic knowledge and skills that help young people
 17 to see the relevance of a civic dimension for their lives and that he or
 18 she be in full accord with our form of government and fully aware of the
 19 liberties, opportunities, and advantages of which we are possessed and
 20 the sacrifices and struggles of those through whose efforts these
 21 benefits were gained. Since youth is the time most susceptible to the
 22 acceptance of principles and doctrines that will influence men and women
 23 throughout their lives, it is one of the first duties of our educational
 24 system to conduct its activities, choose its textbooks, and arrange its
 25 curriculum in such a way that young people of our state become informed
 26 and responsible citizens the love of liberty, justice, democracy, and
 27 America will be instilled in the hearts and minds of the youth of the
 1 state.

2 (1) Every school board of a school district shall, at the beginning
 3 of each school year, appoint from its members a committee of three, to be
 4 known as the committee on American Civic Competence and Engagement
 5 Americanism. The committee ~~on Americanism~~ shall:

6 (a) Carefully examine and ensure that the social studies curriculum
 7 used in the district is aligned to the social studies standards adopted
 8 pursuant to section 79-760.01 and teaches and assesses foundational
 9 knowledge in civics, history, economics, and geography;

10 (b) Ensure that the social studies curriculum adequately stresses ;
 11 inspect, and approve all textbooks used in the teaching of American
 12 history and civil government in the school. Such textbooks shall
 13 adequately stress the services of the men and women who achieved our
 14 national independence, established our constitutional government, and
 15 preserved our union and is shall be so written to include the
 16 incorporation of multicultural education as set forth in sections 79-719
 17 to 79-723 so contributions by ethnic groups as to develop a pride and
 18 respect for our institutions and not be a mere recital of events and
 19 dates;

20 (c) Ensure that the district develops and utilizes formative,
 21 interim, and summative assessments, including, but not limited to, the
 22 one-hundred-question civics portion of the naturalization exam
 23 administered by United States Citizenship and Immigration Services, to
 24 determine student mastery of the social studies standards adopted
 25 pursuant to section 79-760.01;

26 (d) Ensure that the social studies curriculum utilizes instructional

27 practices that support quality instruction in social studies education,
 28 including discussion of current events and controversial issues, service
 29 learning, simulations of democratic processes, classroom-based
 30 extracurricular activities, school governance, and field trips;
 31 ~~(e) Ensure that (b) Assure themselves as to the character of all~~
 1 ~~teachers employed by the district are properly certified to teach social~~
 2 ~~studies and their knowledge and acceptance of the American form of~~
 3 ~~government; and~~
 4 ~~(f) (e) Take all such other steps as will assure the carrying out of~~
 5 ~~the provisions of this section and provide a report to the school board~~
 6 ~~regarding the committee's findings and recommendations.~~
 7 (2) All social studies American history courses approved for grade
 8 levels as provided by this section shall include and adequately stress
 9 contributions of all ethnic groups (a) to the development and growth of
 10 America into a great nation, (b) to art, music, education, medicine,
 11 literature, science, politics, and government, and (c) to the war
 12 services in all wars of this nation.
 13 (3) All grades of all public, private, denominational, and parochial
 14 schools, below the sixth grade, shall devote at least one hour per week
 15 to exercises or teaching periods for the following purpose:
 16 (a) The discussion recital of stories having to do with American
 17 history or the deeds and exploits of American heroes;
 18 (b) The historical background and singing of patriotic songs such as
 19 ~~and the insistence that every pupil memorize the Star-Spangled Banner and~~
 20 ~~America; and~~
 21 (c) The development of reverence for the flag and instruction as to
 22 proper conduct in its presentation.
 23 (4) In at least two of the three grades from the fifth grade to the
 24 eighth grade in all public, private, denominational, and parochial
 25 schools, time at least three periods per week shall be set aside ~~for to~~
 26 ~~be devoted to~~ the teaching of American history from the social studies
 27 curriculum approved textbooks, which shall be taught in such a way that
 28 all students will become responsible citizens who possess a deep
 29 understanding of our Constitution and be prepared to preserve, protect,
 30 and defend freedom and democracy in our nation and our world as to make
 31 the course interesting and attractive and to develop a love of country.
 1 (5) In at least two courses in grades of every high school, time at
 2 ~~least three periods per week~~ shall be devoted to the teaching of civics
 3 and American history as outlined in the social studies standards adopted
 4 pursuant to section 79-760.01, during which courses specific attention
 5 shall be given to the following matters:
 6 (a) The United States Constitution, ~~and~~ the Constitution of
 7 Nebraska, and the structure and function of local government in this
 8 state;
 9 (b) The benefits and advantages of our form of government and the
 10 rights and responsibilities of citizenship in our government; dangers and
 11 fallacies of Nazism, Communism, and similar ideologies; and
 12 (c) The duties of citizenship, including active participation in the
 13 improvement of a citizen's community, state, country, and world and the

14 value and practice of civil discourse between opposing interests; and -
 15 (d) The application of knowledge in civics, history, economics, and
 16 geography in order to address meaningful issues within our society.
 17 (6) Appropriate patriotic exercises suitable to the occasion shall
 18 be held under the direction of the superintendent in every public,
 19 private, denominational, and parochial school on the birthdays of George
 20 Washington, Abraham Lincoln, and Dr. Martin Luther King, Jr., along with
 21 American Indian Day Lincoln's birthday, Washington's birthday, Flag Day,
 22 Memorial Day, and Veterans Day, or on the day preceding or following such
 23 holiday, if the school is in session.
 24 (7) ~~The Every school board, the State Board of Education may adopt~~
 25 ~~and promulgate rules and regulations to carry, and the superintendent of~~
 26 ~~each school district in the state shall be held directly responsible in~~
 27 ~~the order named for carrying out this section, and neglect thereof by any~~
 28 ~~employee or appointed official shall be considered a dereliction of duty~~
 29 ~~and cause for dismissal.~~
 30 Sec. 2. Original section 79-724, Reissue Revised Statutes of
 31 Nebraska, is repealed.
 1 Sec. 3. The following section is outright repealed: Section 79-727,
 2 Reissue Revised Statutes of Nebraska.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 68. Introduced by Bostelman, 23.

WHEREAS, on February 16th-18th at the CenturyLink Center in Omaha, Nebraska, four wrestlers from Legislative District 23 won individual championships at the 2017 Nebraska State Wrestling Championships; and

WHEREAS, Melvin Hernandez, from David City High School, as coached by Tahner Thiem, won the individual championship at 138 pounds in Class C; and

WHEREAS, Kyle Petree and Joseph Reimers, from David City Aquinas High School, as coached by Eric Pflum, won the Class C individual championship at 160 pounds and 182 pounds, respectively; and

WHEREAS, Cole Krecklow, from Wahoo High School, as coached by Darold Foster, won an individual championship at 220 pounds in Class B; and

WHEREAS, these individuals, as well as their coaches and teammates, have worked tirelessly and with great discipline throughout the season; and

WHEREAS, parents, family, friends, and others have supported these individuals throughout their careers; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Melvin Hernandez, Kyle Petree, Joseph Reimers, and Cole Krecklow for their individual championships and successful seasons.

2. That copies of this resolution be sent to Melvin Hernandez, Kyle Petree, Joseph Reimers, and Cole Krecklow and their respective coaches.

Laid over.

LEGISLATIVE RESOLUTION 69. Introduced by Bostelman, 23.

WHEREAS, the Cedar Bluffs High School cheer and dance team won the 2017 Class C/D Combined Tumbling Division Championship at the Nebraska State Cheer and Dance Competition; and

WHEREAS, this is the first team championship win for the Cedar Bluffs cheer and dance team; and

WHEREAS, the Cedar Bluffs cheer and dance team also received runner-up trophies at the competition in Sideline and Jazz in Class D; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Cedar Bluffs High School cheer and dance team for their outstanding performance at the 2017 Nebraska State Cheer and Dance Competition.

2. That a copy of this resolution be sent to the Cedar Bluffs cheer and dance team and Coach Alli Greene.

Laid over.

LEGISLATIVE RESOLUTION 70. Introduced by Bostelman, 23.

WHEREAS, the Wahoo Bishop Neumann High School boys' basketball team won the 2017 Class C-1 Boys' State Basketball Championship; and

WHEREAS, this is the second consecutive state championship win in boys' basketball for the Cavaliers and their third state championship in four years; and

WHEREAS, the Cavaliers won by 23 points, the largest margin in 33 years of Class C-1 play, and the winning score of 80 points was the most scored by a winning team in the C-1 final since 1994; and

WHEREAS, Coach Mike Weiss provided the leadership to cap a 26-3 winning season with a state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Bishop Neumann High School boys' basketball team on winning the Class C-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Cavaliers and Coach Mike Weiss.

Laid over.

LEGISLATIVE RESOLUTION 71. Introduced by Murante, 49.

WHEREAS, Nebraska is a state of the United States, enjoying joint sovereignty with the federal government; and

WHEREAS, the Constitution of the United States recognizes the authority of the legislatures of each state to regulate the times, places, and manner of holding federal elections; and

WHEREAS, the election infrastructure of the United States is utilized to conduct federal, state, and local elections alike; and

WHEREAS, on January 6, 2017, United States Secretary of Homeland Security Jeh Johnson announced that he had designated election infrastructure as a subsector of the existing government facilities critical infrastructure sector; and

WHEREAS, Secretary Johnson's scope of the designation of elections as critical infrastructure includes physical elements, such as "storage facilities, polling places, and centralized vote tabulations locations," to which cybersecurity issues do not apply, "voter registration databases," of which redundant copies are separately stored, and "other systems to manage the election process and report and display results," which are not critical to the determination of official certified election results; and

WHEREAS, section 1016(e) of the USA Patriot Act of 2001, 42 U.S.C. 5195c(e), named the Critical Infrastructure Protection Act, defines critical infrastructure as, "systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters"; and

WHEREAS, the election infrastructure in the United States is highly decentralized and constitutionally under the purview and control of the states; and

WHEREAS, the opposition to designating elections as critical infrastructure is bipartisan, as evidenced by a September 28, 2016, letter signed by Paul Ryan, Speaker of the United States House of Representatives, Nancy Pelosi, Democratic Leader of the United States House of Representatives, Mitch McConnell, Majority Leader of the United States Senate, and Harry Reid, Democratic Leader of the United States Senate, stating, "we would oppose any effort by the federal government to exercise any degree of control over the states' administration of elections by designating these systems as critical infrastructure"; and

WHEREAS, several states have discovered attempted intrusions by the United States Department of Homeland Security under former Secretary Johnson, which need to be thoroughly investigated by the Department of Homeland Security's Office of Inspector General, including such attempted intrusions to the designation process; and

WHEREAS, on February 7, 2017, current United States Homeland Security Secretary John Kelly indicated during testimony before the United

States House of Representatives' Homeland Security Committee that he intends to uphold the former secretary's designation of elections as critical infrastructure; and

WHEREAS, on March 6, 2017, at the direction of Secretary John Kelly, Mr. David Hess, Senior Official Performing the Duties of the Under Secretary, reiterated this position in a letter to the Honorable Denise Merrill, Secretary of State of Connecticut; and

WHEREAS, the designation of this state's election systems as critical infrastructure is a violation of Nebraska's sovereignty and limits its options for performing its duties under the Constitution of the United States; and

WHEREAS, by allowing federal involvement in elections, this designation could have a negative effect on the public's confidence in election systems.

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

1. That the Legislature of the State of Nebraska urges United States Secretary of Homeland Security John Kelly to remove the designation of state election systems as critical infrastructure.

2. That the Legislature of the State of Nebraska urges the Honorable Donald Trump, President of the United States, the Honorable Mike Pence, Vice President of the United States, the United States Congress, the Honorable Deb Fischer, United States Senator for Nebraska, the Honorable Ben Sasse, United States Senator for Nebraska, the Honorable Jeff Fortenberry, Congressman for Nebraska, the Honorable Don Bacon, Congressman for Nebraska, and the Honorable Adrian Smith, Congressman for Nebraska, to call upon Secretary Kelly to remove the designation of state election systems as critical infrastructure.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR71 was referred to the Reference Committee.

ANNOUNCEMENT(S)

Senator Albrecht announced the Business and Labor Committee will meet March 20, 2017, at 1:30 p.m. in Room 1507 instead of Room 2102.

MOTION(S) - Print in Journal

Senator Wayne filed the following motion to LB57:

MO56

Indefinitely postpone.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Stinner name added to LB233.

VISITOR(S)

Visitors to the Chamber were members of the Nebraska Speech-Language-Hearing Association; Senator Hilkemann's wife, Julie, from Omaha and Lou Dye from Omaha; 36 fourth-grade students from Arlington; Dr. Rachel Knox, MD, M.B.A. from Portland, OR, Paul Stanford from Portland, OR, and Frank Shoemaker from Holbrook; and 74 fourth-grade students and sponsors from Gretna.

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

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Geist, the Legislature adjourned until 9:00 a.m., Thursday, March 16, 2017.

Patrick J. O'Donnell
Clerk of the Legislature

