

EIGHTIETH DAY - MAY 10, 2017
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

EIGHTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 10, 2017

PRAYER

The prayer was offered by Pastor Kathy Gerking, St. Timothy's Lutheran Church, Omaha.

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 Craighead, Hansen, Kuehn, Stinner, Wayne, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-ninth day was approved.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 174. Introduced by Friesen, 34; Bostelman, 23; Briese, 41; Geist, 25; Hughes, 44.

PURPOSE: The purpose of this interim study is to review the implementation of the 911 Service System Act. The 911 Service System Act was enacted in 2016 and directed the Public Service Commission to begin the process of implementation of the act. Pursuant to the act, the commission delivered a preliminary report on February 1, 2017, detailing progress on the development of the implementation plan. The commission will deliver an adopted implementation plan for the 911 service system no later than December 1, 2017. The adopted implementation plan may also include proposed legislation necessary to implement the plan. Following receipt of the adopted plan and prior to commencement of the 2018 legislative session, the study committee shall conduct public hearings as necessary regarding the plan and suggested legislative proposals.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 175. Introduced by Friesen, 34; Bostelman, 23; Briese, 41; Hughes, 44.

PURPOSE: The purpose of this interim study is to conduct an examination of the issues related to reforming the regulation of basic local exchange service rates charged by incumbent local exchange telecommunications carriers subject to the jurisdiction of the Public Service Commission. The study shall specifically review the changes proposed by LB573 during the 2017 legislative session as well as regulatory reform undertaken in other states.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 176. Introduced by Friesen, 34; Bostelman, 23; Briese, 41; Hughes, 44.

PURPOSE: The purpose of this interim study is to examine the provision of broadband telecommunication services within the state. The study shall include an examination of the following:

(1) The availability, quality, and affordability of broadband telecommunications services within the state;

(2) The operation of federal subsidies administered by the Federal Communications Commission to support the provision of broadband service;

(3) Review mechanisms developed by the Public Service Commission (PSC) for the distribution of broadband support, including procedures employed to ensure recipients account for the use of funding;

(4) Review the efforts of the PSC and of other states to effectuate reform of the contributions methodology employed to support universal service programs; and

(5) Examine the feasibility of authorizing the establishment of municipal broadband authorities for the provision of broadband telecommunications services by political subdivisions.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 177. Introduced by Friesen, 34.

PURPOSE: The purpose of this resolution is to investigate and review matters and issues arising during the interim which are within the jurisdiction of the Transportation and Telecommunications Committee of the Legislature.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 178. Introduced by Kolterman, 24.

PURPOSE: The purpose of this resolution is to examine existing telehealth and telemedicine systems and capabilities in Nebraska and opportunities to expand telehealth usage across the state. This study shall include, but not be limited to, the following issues:

(1) A review of the best practices among states that have adopted legislation, rules and regulations, or executive orders to allow for telehealth and telemedicine;

(2) A review of which telehealth and telemedicine systems work best for patients and health care providers;

(3) A review of the barriers to telehealth usage and expansion and potential solutions to grow and develop telehealth services across the state; and

(4) A review of how telehealth and telemedicine may address mental health and substance abuse issues in this state.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MESSAGE(S) FROM THE GOVERNOR

May 10, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Environmental Trust Board:

Quentin Bowen, 71294 630 Blvd., Humboldt, NE 68376

Also, contingent upon your approval, the following individual is being reappointed to the Nebraska Environmental Trust Board:

Paul Dunn, 2508 S. 35 Street, Omaha, NE 68105

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

May 10, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Boiler Safety Code Advisory Board:

Gerald Whitlock, 2710 John Street, Papillion, NE 68133

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

May 10, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Technical Advisory Committee for Statewide Assessment:

Cindy Gray, 3861 S. 182nd Street, Omaha, NE 68130

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

May 10, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Commission on Problem Gambling:

Matthew Monheiser, 107 Virginia Lane, Sidney, NE 69162
Robert L. Muelleman, M.D., 6469 Cuming Street, Omaha, NE 68132

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

May 10, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Natural Resources Commission:

James A. Shields, 606 Sunset Drive, Fort Calhoun, NE 68023

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

May 10, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Power Review Board:

Chuck Hutchison, 13904 Rahn Blvd., Bellevue, NE 68123

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

May 10, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Motor Vehicle Industry Licensing Board:

Thomas Dinsdale, 1919 Lamar Avenue, Grand Island, NE 68801
Steven Hinchcliff, 3412 S. 228 Terrace, Elkhorn, NE 68022

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

May 10, 2017

Mr. President, Speaker Scheer
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Commission of Industrial Relations:

Dallas Jones, 1900 S. 25 Street, Lincoln, NE 68502

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

NOTICE OF COMMITTEE HEARING(S)
Health and Human Services

Room 1510

Tuesday, May 23, 2017 1:00 p.m.

Joel Bessmer - State Board of Health (cancel)
Kyle Klammer - Nebraska Rural Health Advisory Commission (cancel)

Wednesday, May 17, 2017 1:00 p.m.

Joel Bessmer - State Board of Health
Kyle Klammer - Nebraska Rural Health Advisory Commission

(Signed) Merv Riepe, Chairperson

Judiciary

Room 1113

Wednesday, May 17, 2017 8:00 a.m.

LR151

(Signed) Laura Ebke, Chairperson

GENERAL FILE

LEGISLATIVE BILL 632. Title read. Considered.

Committee AM1303, found on page 1378, was offered.

Senator Blood offered her amendment, AM1350, found on page 1370, to the committee amendment.

Pending.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR123 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR123.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Bowen, Quentin - Nebraska Environmental Trust Board - Natural Resources
Dinsdale, Thomas - Motor Vehicle Industry Licensing Board -
Transportation and Telecommunications
Dunn, Paul - Nebraska Environmental Trust Board - Natural Resources
Gray, Cindy - Technical Advisory Committee for Statewide Assessment -
Education
Hinchcliff, Steven - Motor Vehicle Industry Licensing Board -
Transportation and Telecommunications
Hutchison, Chuck - Nebraska Power Review Board - Natural Resources
Jones, Dallas - Commission of Industrial Relations - Business and Labor
Monheiser, Matthew - Nebraska Commission on Problem Gambling -
General Affairs
Muelleman, Robert L. - Nebraska Commission on Problem Gambling -
General Affairs
Shields, James A. - Nebraska Natural Resources Commission - Natural
Resources
Whitlock, Gerald - Boiler Safety Code Advisory Board - Business and
Labor

(Signed) Dan Watermeier, Chairperson
Executive Board

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.

Beth Smith - Nebraska State Fair Board

Aye: 7 Albrecht, Blood, Brasch, Halloran, Harr, Krist, Lowe. Nay: 0.
Absent: 1 Chambers. Present and not voting: 0.

(Signed) Lydia Brasch, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 179. Introduced by Brasch, 16.

PURPOSE: The purpose of this resolution is to examine the application of the Livestock Brand Act to dairy animals and dairy operations located within the mandatory brand inspection area. It is the goal of this resolution to develop information regarding characteristics of dairy operations in Nebraska, including the movements and transfers of ownership of dairy animals within and between dairy operations and other livestock sectors, and to explore options to tailor the application of the brand inspection law with respect to dairies.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 180. Introduced by Brasch, 16.

PURPOSE: The purpose of this resolution is to examine opportunities for increased coordination, consultation, and mutual assistance between the Nebraska Brand Committee and the Department of Agriculture to better utilize the resources and authority of the brand committee to support enforcement of animal import and livestock disease programs, livestock development and promotion efforts, and other means to enhance the value of brand committee services to the livestock industry in Nebraska. In particular, the study committee shall review brand committee planning and implementation to optimize the number of law enforcement and certified

investigative personnel available for brand enforcement and livestock theft investigation. The study shall identify any statutory, policy, structural, or other obstacles or constraints to enhanced cooperation between the brand committee and the Department of Agriculture for the purposes identified in this resolution.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 181. Introduced by Ebke, 32.

PURPOSE: The purpose of this resolution is to examine recommendations for procedures to be used for a convention of the states under Article V of the Constitution of the United States.

The study shall include an examination of the following:

(1) The election or appointment process for Nebraska's delegation of commissioners to a convention;

(2) The scope of the commissioners' authority at a convention;

(3) Procedures for state oversight of commissioners and procedures for communication with commissioners; and

(4) Recommendations for fines, penalties, and recall procedures for a commissioner who acts in violation of his or her commission.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature, the Governor, the Attorney General, and the Secretary of State.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 182. Introduced by Murante, 49.

PURPOSE: The purpose of this resolution is to study the extent of voter fraud in Nebraska and possible methods of detecting and combating voter fraud. This study is needed in order to preserve the relative power of each eligible citizen's right to vote, to modernize the election infrastructure of this

state, and to ensure the integrity of the elections of this state so as to preserve public confidence in the legitimacy of elected government.

The study shall include an examination of the following:

- (1) The extent to which voter fraud occurs in the State of Nebraska;
- (2) How an individual could commit voter fraud;
- (3) How voter fraud is investigated;
- (4) The extent to which such investigations occur;
- (5) Possible ways to improve the detection of voter fraud; and
- (6) Any other matters relevant to preserving the integrity of Nebraska's elections.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 183. Introduced by Albrecht, 17.

PURPOSE: The purpose of this study is to analyze and review reimbursement rates for ambulatory surgical centers and outpatient hospitals with respect to the provision of workers' compensation services in Nebraska. The intent is to determine the effectiveness of current billing and reimbursement methods and to examine the potential benefits of adding such methods to existing fee schedules for other medical service providers under the Nebraska Workers' Compensation Act.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 184. Introduced by Walz, 15; Lindstrom, 18.

PURPOSE: The purpose of this resolution is to study whether the Real Property Appraiser Act should be amended. The study should include an examination of issues raised during consideration of LB 551, which is

currently pending in the Banking, Commerce and Insurance Committee of the Legislature, regarding changes in qualifications for real property appraiser credentials.

In order to carry out the purpose of this resolution, the study committee should consider the input of interested individuals, public officials, and such entities as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 185. Introduced by Albrecht, 17.

PURPOSE: The purpose of this resolution is to examine the Farm Labor Contractors Act. The issues to be addressed by this interim study shall include, but not be limited to:

- (1) A review of the process for granting licenses under the act;
- (2) A review of the act's role in protecting the rights of migrant workers; and
- (3) An assessment of the act's viability as a tool for regulating the activities of seasonal and migrant contractors.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 186. Introduced by Howard, 9.

PURPOSE: The purpose of this resolution is to examine the Nebraska Prescription Drug Monitoring Program and how providers access prescription drug data. The Nebraska Prescription Drug Monitoring Program is housed within the Nebraska Health Information Initiative, a public-private partnership that primarily serves as a home for the state health information exchange. The monitoring program is currently provided at no cost to providers or dispensers and is primarily funded with federal grant money.

This study shall examine the process of monitoring dispensed medication and the implementation of LB471 (2016). The study committee shall also examine issues including, but not limited to:

- (1) The sustainability of the Nebraska Prescription Drug Monitoring Program;
- (2) The extent of opioid abuse in Nebraska;
- (3) Monitoring prescription drug cash payments;
- (4) Current strengths and proposed policy changes needed to increase interstate operability; and
- (5) Continued policy discussion, including access to information for veterinarians and third-party payors.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 187. Introduced by Howard, 9.

PURPOSE: The Division of Children and Family Services of the Department of Health and Human Services provides for five primary service areas that are aligned with the judicial districts as set forth by the Nebraska Supreme Court. The Division of Children and Family Services serves abused and neglected children, juvenile offenders, and vulnerable adults. The service areas, while aligned by judicial district, are geographically unique and have different service needs. The purpose of this study is to determine the strengths and weaknesses of each service area and how best practices may be shared among the five service areas.

The study committee shall examine issues including, but not limited to:

- (1) Identifying specific services available for children, juvenile offenders, and vulnerable adults in each service area with the following descriptions:
 - (a) What concerns services are designed to address;
 - (b) Availability of evidence-based services;
 - (c) Accessibility and transportation;
 - (d) Wait times; and
 - (e) Time limitations on amount of service provided;
- (2) If needed services are not available in a service area, an explanation of why a given service is not available;
- (3) Availability of written reports for the services being performed;
- (4) Whether programs or services are goal-driven and outcome-oriented, and who determines the goals and whether progress is being made in each program or service provided;
- (5) Services for prevention and early intervention for families, including:

- (a) Types of services currently available; and
- (b) Services still needed; and
- (6) Cost differentiation for services by area.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 188. Introduced by Howard, 9.

PURPOSE: The Division of Public Health of the Department of Health and Human Services is responsible for preventative and community health programs and services. The division brings all elements of public health, including vital statistics and several data registries within the State of Nebraska, under a single entity. The division serves as the main point of data collection related to public health, epidemiology, and syndromic surveillance for the State of Nebraska. With the ever-changing nature of data collection technology, it is crucial to conduct a systematic review of policies and procedures relating to sustainability, organization, and best practices.

The study committee shall review issues including, but not limited to:

(1) Determining the capacity and scope of information and the number of different data bases within the Division of Public Health;

(2) Identifying staffing and technology needs for tracking public health data through the division;

(3) Evaluating the effectiveness of the division's current methods of data base management and information tracking;

(4) Determining the feasibility of improving the quality of current data collection practices to preserve state resources, including streamlining data bases that could be combined; and

(5) Examining whether the current public-private partnership that serves as the state health information exchange could assist in condensing and providing support for public health reporting.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 632. The Blood amendment, AM1350, found on page 1370 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Crawford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Senator Blood moved for a call of the house. The motion prevailed with 32 ayes, 2 nays, and 15 not voting.

The Blood amendment was adopted with 30 ayes, 4 nays, 13 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

NOTICE OF COMMITTEE HEARING(S)

Business and Labor

Room 1525

Wednesday, May 17, 2017 1:00 p.m.

Gerald Whitlock - Boiler Safety Code Advisory Board

Room 2102

Thursday, May 18, 2017 1:00 p.m.

Dallas Jones - Commission of Industrial Relations

(Signed) Joni Albrecht, Chairperson

Education

Room 1525

Tuesday, May 23, 2017 12:20 p.m.

LR98 (cancel)

(Signed) Mike Groene, Chairperson

Nebraska Retirement Systems

Room 1525

Wednesday, May 24, 2017 12:00 p.m.

Omaha School Employees Retirement System Actuarial Report (cancel)

Thursday, May 18, 2017 12:00 p.m.

Omaha School Employees Retirement System Actuarial Report

(Signed) Mark Kolterman, Chairperson

RESOLUTION(S)**LEGISLATIVE RESOLUTION 189.** Introduced by Morfeld, 46; McCollister, 20.

PURPOSE: The purpose of this resolution is to study the various ways in which Nebraska could increase access to health insurance, including medicaid. This study shall include, but not be limited to, an examination of the following issues:

- (1) The options available under federal and state law to allow greater access to health insurance;
- (2) Plans adopted by other states to increase the stability of health insurance markets; and
- (3) Any recent changes at the federal level to health insurance that affect Nebraskans.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 190. Introduced by Kuehn, 38.

PURPOSE: The purpose of this resolution is to examine the possibility of creating an ethics committee within the Legislature. The study committee shall examine the establishment of rules and regulations, creation and use of forms, training of staff, and use of subpoena authority by the committee.

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

1. That the Executive Board of the Legislature Council shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 191. Introduced by Ebke, 32; Baker, 30; Chambers, 11; Hansen, 26; Krist, 10; Morfeld, 46; Pansing Brooks, 28.

PURPOSE: An increasing number of states and the federal government have undertaken various degrees of criminal sentencing reform. State and federal policymakers have also begun to widely question the propriety of mandatory minimum sentencing laws.

Mandatory minimum sentencing laws require a minimum prison term of a particular length. With such laws judges have no discretion to go lower than the minimum sentence and probation is not an option. In Nebraska, an inmate serving a mandatory minimum sentence will not earn or receive good time credit for his or her behavior while serving the mandatory sentence.

Proponents of mandatory minimum sentences argue that these schemes reduce crime by acting as a general deterrent for potential criminals and repeat offenders. Proponents also contend that eliminating judicial discretion provides for fairness and uniformity in sentencing.

While these inflexible, one-size-fits-all sentencing laws may have initial appeal as a response to certain types of crimes, such laws fail to advance proportional justice because they prevent a judge from fitting punishment to the individual defendant and the exact circumstances of his or her crime.

In the last few legislative sessions, various members of the Legislature have introduced bills to limit or eliminate mandatory minimum sentences for some categories or types of crimes or to amend the procedures which prosecutors must follow in prosecuting crimes that carry mandatory minimum sentences.

The purpose of this interim study is to examine possible legislative reforms to Nebraska's mandatory minimum sentencing laws. The study shall include the following:

(1) A review of current mandatory minimum sentences presently in statute;

(2) A review of the types of crimes which carry mandatory minimum sentences;

(3) A review of the process by which a mandatory minimum sentence may be sought, for example, by election or choice of the prosecuting attorney or by authorization of a judge or a panel of judges;

(4) A consideration of an exemption or a safety-valve for a defendant who is convicted of a crime carrying a mandatory minimum sentence, whereby

the sentencing judge or a panel of judges may deviate or decide not to impose the mandatory minimum sentence if the sentencing judge or panel finds that certain mitigating factors exist; and

(5) A review and examination of any potential consequences of implementing statutory changes to the mandatory minimum sentencing laws, with respect to amending penalty provisions, amending the procedures for filing charges carrying mandatory minimum sentences, or amending the procedures governing the imposition of mandatory minimum sentences.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 192. Introduced by Hilgers, 21; Harr, 8; Krist, 10; Kuehn, 38; Scheer, 19; Schumacher, 22.

PURPOSE: The purpose of this study is to examine the committee system in the Legislature, including the number of such committees, the days of the week on which those committees meet for public hearings, the subject matter jurisdiction of the committees, and other such aspects of the committee system as the Rules Committee of the Legislature deems necessary. When the Rules Committee convened this session to hear proposed rules submitted by members of the Legislature, several proposed rules dealt with aspects of the committee system. In response, the Rules Committee voted unanimously to conduct an interim study on the topic for the first time in over two decades. The study committee shall complete this study prior to the beginning of the 2018 legislative session.

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

1. That a select committee of the Legislature, composed of the members of the Rules Committee, shall be designated by the Executive Board of the Legislative Council to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 193. Introduced by Albrecht, 17.

PURPOSE: The purpose of this resolution is to determine the impact of increased use of higher level ethanol blends, including E-15, and to study various policies to incentivize the use of such blends.

The study shall include, but not be limited to:

- (1) An economic analysis of the impact of higher ethanol blend fuel use on consumers, retailers, corn and ethanol producers, and the economy of this state;
- (2) An analysis of sales data on E-15 and higher blends (including gallons, pricing, and retailers); and
- (3) The impact of policies to incentivize use of higher blends and to deploy retail infrastructure.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 194. Introduced by Hilkemann, 4; Kolterman, 24; Williams, 36.

PURPOSE: LB407 (1985) put into place the technical review process commonly known as the "407 process." The purpose of LB407 was to establish a fact-finding body that would determine the need for regulation of health professions or the need for changes to the scope of practice of health professions. Many who have participated in the 407 process in recent years have found the process to be unduly adversarial and burdensome.

The purpose of this resolution is to examine the 407 process as it relates to scope of practice changes. Stakeholders shall be consulted regarding ways to make the 407 process more valuable to the Legislature and more user-friendly for applicant groups and affected groups of health professionals.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 195. Introduced by Hilkemann, 4; McCollister, 20.

PURPOSE: The purpose of this resolution is to examine the system of valuing automobiles for calculation of the motor vehicle tax in order to determine whether a fair amount is being assessed, from the perspectives of both taxpayers and the State of Nebraska.

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

(1) Evaluating the current system of valuing vehicles for the purpose of calculating the motor vehicle tax, including benchmark depreciation;

(2) Conducting a practical analysis of the tax rate cap for cars with a manufacturer's suggested retail price (MSRP) of \$100,000 and above as it relates to a loss of revenue to the state;

(3) Analyzing and comparing market-based valuation versus MSRP to determine the valuation of vehicles for calculation of the motor vehicle tax; and

(4) Conducting a practical analysis of the current exemption for motor vehicles that are 14 years old or older as it relates to a loss of revenue to the state.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 196. Introduced by Ebke, 32; Krist, 10.

PURPOSE: In 2015, LB605 was enacted to address the issues studied by the Nebraska Justice Reinvestment Working Group created by LB907 (2014) and the Department of Correctional Services Special Investigative Committee of the Legislature authorized by LR34 (2015). Since the enactment of LB605 and completion of the LR34 study, the Department of Correctional Services has made positive changes to comply with the requirements set forth by the Legislature, while also seeing a number of negative incidents in state correctional facilities.

The Legislature understands the changes enacted by LB605 and prompted by LR34 will take time to reach full implementation, as seen in the work of the Justice Reinvestment Implementation Committee. Nevertheless, there is a clear need to track the progress of the department in order to ensure the intentions of the Legislature are being carried out properly and effectively.

The Judiciary Committee of the Legislature shall conduct an interim study to carry out the purposes of this resolution. The committee shall meet with stakeholders to verify and update the continued progress of the LR34 recommendations and LB605 provisions. These stakeholders shall include,

but are not limited to, the Director of Correctional Services, the Public Counsel, the Inspector General of the Nebraska Correctional System, the Parole Administrator, the probation administrator, and the State Court Administrator.

The Judiciary Committee shall hear or receive implementation progress reports with respect to the Department of Correctional Services with regard to the following:

- (1) The adequacy of programs designed to rehabilitate inmates;
- (2) The availability of mental health care and the policies and procedures in place to ensure that inmates receive appropriate mental health care or confinement through the civil commitment process;
- (3) Policies relating to facility, unit, and cell assignment;
- (4) Policies relating to the use of solitary confinement, segregation, or other isolation of inmates;
- (5) The transition of inmates from incarceration to the community at large;
- (6) The administration of good-time laws;
- (7) Policies relating to staffing, personnel hours, and oversight of department staff; and
- (8) Any changes made to the department's policies and practices, regardless of whether recommendations were adopted as a result of LB605 or LR34, and the reasons, if any, that such recommendations were not adopted.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 197. Introduced by Pansing Brooks, 28; Hilkemann, 4; Krist, 10; Lindstrom, 18; Wishart, 27.

PURPOSE: The purpose of this resolution is to study issues surrounding the utilization of wood generated from the emerald ash borer infestation that is taking place in Nebraska. The study shall examine issues related to processed wood products (mulch, biochar, animal bedding, and biomass for energy generation), architectural wood products (cabinetry, flooring, and millwork), and lumber products (boards, slabs, pallet lumber). For each type of product, the study shall consider:

- (1) The current state of wood utilization in Nebraska;
- (2) Potential supply and markets, opportunities and challenges, production and operational considerations, partnerships, environmental impacts, and financial feasibility;
- (3) A model for the potential partnership of communities, businesses, the University of Nebraska-Lincoln, and the Nebraska Forest Service to

examine creative ideas for developing value-added products from trees removed due to the emerald ash borer and other causes;

(4) The potential use of demonstration projects to support informed decisionmaking by the public and industry professionals; and

(5) Prospective grant opportunities from the United States Department of Agriculture and other sources.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 198. Introduced by Pansing Brooks, 28; Baker, 30; Ebke, 32; Krist, 10.

PURPOSE: The purpose of this resolution is to examine the impact of mass incarceration on children in Nebraska, and to examine opportunities to ease the traumatic effects of parental incarceration on children. This study shall include, but not be limited to, an examination of the following:

(1) National best practices and current local law enforcement policy and practice when a minor is present during the arrest of a parent or guardian;

(2) Local jail visitation and phone call policies as they relate to communication between a detained parent and their biological, custodial, and step children;

(3) Opportunities in sentencing and placement to ease the physical and emotional trauma that children experience when their parents are jailed or incarcerated;

(4) Existing programs offered within state correctional institutions that are intended to improve parental capacity during incarceration and their current capacity to meet the needs of incarcerated parents;

(5) Model child-friendly visitation policies within state correctional institutions and the feasibility of their application to existing state policy and regulation;

(6) Structural barriers to maintaining and supporting parent-child relationships during incarceration, such as phone call or video call costs;

(7) Opportunities to coordinate between state systems and private agencies to better support children and their caretakers through incarceration;

(8) Current efforts to reduce recidivism rates and promote successful re-entry, and their applicability to maintaining parent-child relationships and stabilizing families through incarceration; and

(9) Policies and practices within the criminal justice system that disproportionately affect children of color and children from low-income families.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 199. Introduced by Crawford, 45; Krist, 10; Watermeier, 1.

PURPOSE: The purpose of this resolution is to conduct a comprehensive review of staff structure, training processes, and official roles and responsibilities as they relate to support staff of the standing committees of the Legislature and the Legislative Research Office. The study shall include, but not be limited to, an examination of the following issues:

- (1) Best practices regarding legislative staff structure, including ways to ensure expertise and institutional knowledge of staff;
- (2) Opportunities for standing committee staff and legislative research staff to collaborate;
- (3) Training opportunities available to such staff and the ability of the current training to foster technical and institutional expertise; and
- (4) The roles and responsibilities of standing committee staff and the consistency of services provided by such staff.

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

1. That the Executive Board of the Legislative Council shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 632. Senator Larson offered the following motion:
MO129
Reconsider the vote taken on AM1350.

Senator Lowe moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Larson asked unanimous consent to withdraw his motion, MO129, to reconsider. No objections. So ordered.

Pending.

AMENDMENT(S) - Print in Journal

Senator Harr filed the following amendment to LB651:
AM1367

(Amendments to Linehan amendments, AM1226)

- 1 1. Strike amendments 1 through 8 and insert the following new
- 2 amendment:
- 3 1. Strike the original sections and all amendments thereto and
- 4 insert the following new sections:
- 5 Section 1. Each school district shall offer a reading intervention
- 6 program for the purpose of ensuring that students can read at or above
- 7 grade level at the end of third grade. Such reading intervention program
- 8 shall:
- 9 (1) Provide development in phonemic awareness, phonics, fluency,
- 10 vocabulary, and reading comprehension;
- 11 (2) Monitor the reading progress of each student's reading skills
- 12 throughout the school year and adjust instruction accordingly;
- 13 (3) Provide evidenced-based intervention to all students in
- 14 kindergarten, first grade, second grade, and third grade who are
- 15 identified as having a reading deficiency based on classroom assessments
- 16 selected by the district and administered at least once each semester
- 17 until the reading deficiency is eliminated; and
- 18 (4) Be implemented during regular school hours within, or in
- 19 addition to, the regular reading instruction;
- 20 Sec. 2. The school of any student enrolled in a school district
- 21 who, in kindergarten, first grade, second grade, or third grade, exhibits
- 22 a reading deficiency based upon the classroom assessments selected by the
- 23 district shall:
- 24 (1) Notify such student's parents or guardians of the reading
- 25 deficiency in writing. Such written notification may include report cards
- 26 documenting the deficiency, may be provided at parent-teacher
- 1 conferences, and shall include the following:
- 2 (a) The identification of the student's reading deficiency; and
- 3 (b) A description of the evidence-based reading interventions and
- 4 targeted supports provided to students in the school to address reading
- 5 proficiency and remedy the identified area or areas of reading
- 6 deficiency; and
- 7 (2) Provide strategies for parents or guardians to use at home to
- 8 help their students succeed in reading. Notification can include report
- 9 cards and parent-teacher conferences.
- 10 Sec. 3. Students enrolled in a school district who are identified
- 11 as having a reading deficiency at the end of third grade shall receive
- 12 continued reading intervention strategies until the reading deficiency is
- 13 remedied or as directed pursuant to an individualized education plan, a

14 plan developed in compliance with section 504 of the federal
15 Rehabilitation Act, 29 U.S.C. 794, as such act existed on the effective
16 date of this act, or a plan developed for students in the school's
17 English language learner program.
18 Sec. 4. Students enrolled in a school district may be retained in
19 third grade for an additional year when it is deemed to be appropriate by
20 the school district staff based on more than just reading achievement and
21 with the permission of the student's parents or guardians.

NOTICE OF COMMITTEE HEARING(S)

General Affairs

Room 1510

Wednesday, May 17, 2017 12:00 p.m.

Bruce D. Bailey - Nebraska Liquor Control Commission
Cameron Arch - Nebraska Commission on Problem Gambling
Matthew Monheiser - Nebraska Commission on Problem Gambling
Robert L. Muelleman - Nebraska Commission on Problem Gambling
Thomas Patterson - State Racing Commission

(Signed) Tyson Larson, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 200. Introduced by Linehan, 39.

PURPOSE: The purpose of this study is to examine issues related to dual enrollment and other courses that allow a student to obtain both high school and postsecondary education credit for such course. The study shall specifically examine the following:

- (1) What are the costs associated with dual enrollment courses;
- (2) Who pays such costs; and
- (3) How are credits awarded to students from the high school and from a postsecondary institution?

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 201. Introduced by Linehan, 39.

PURPOSE: The purpose of this interim study is to analyze and review reimbursement rates for ambulatory surgical centers and outpatient hospitals with respect to workers' compensation services in Nebraska. The intent of this study is to determine the effectiveness of current billing and reimbursement methods and to examine the potential benefits of adding such services to existing fee schedules for other medical service providers.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 202. Introduced by Kolterman, 24; Baker, 30; Bolz, 29; Groene, 42; Kolowski, 31; Lindstrom, 18; Pansing Brooks, 28; Stinner, 48; Walz, 15; Williams, 36.

PURPOSE: The purpose of this resolution is to examine bona fide severance of employment compliance requirements under the Internal Revenue Code as related to maintaining section 401(a) qualified defined benefit plans.

The study shall include, but not be limited to, an examination of:

(1) The requirement for a participant to experience a permanent and complete severance of the employer-employee relationship;

(2) The obligation to administer the retirement systems in both form and operation, meaning how a plan is created and how the law is executed;

(3) The challenges faced by the Nebraska Public Employees Retirement Systems and Public Employees Retirement Board in administering a multiple-employer plan which includes over 265 school districts and numerous educational service units and state school employers, and maintaining compliance with federal law; and

(4) Substitute teacher service.

In addition, the study committee shall examine the use of early retirement inducements, including, but not limited to, the cost impact on funding the school retirement systems.

In carrying out its review, the Nebraska Retirement Systems Committee of the Legislature shall work with the Education Committee of the Legislature in collecting data and examining the use of and need for substitute teachers and the use of voluntary service agreements.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 203. Introduced by Friesen, 34.

PURPOSE: The purpose of this resolution is to examine issues surrounding the relocation of utilities within the public right-of-way. This study shall include, but not be limited, the following issues:

(1) A review of the laws and rules and regulations governing utility relocation in the public right-of-way; and

(2) A review of how current practices regarding utility relocation impact the construction schedule and total cost of road and infrastructure project.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 204. Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to study the structure for license fees under the Nebraska Liquor Control Act. This study should include, but not be limited to:

(1) An examination of the current structure for license fees under the Nebraska Liquor Control Act;

(2) An examination of actual costs to the Nebraska Liquor Control Commission and related agencies when issuing licenses and renewals and whether those costs are adequately reflected in the respective fee amounts; and

(3) An examination and comparison of what other states charge for similar license fees with a focus on neighboring states.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 205. Introduced by Larson, 40.

PURPOSE: The purpose of this resolution is to examine the issues within the jurisdiction of the General Affairs Committee.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 206. Introduced by Wayne, 13.

PURPOSE: The purpose of this resolution is to examine the potential for counties to have additional authority to pass ordinances within county boundaries. Nebraska counties currently have limited ordinance authority as authorized in section 23-187 of the Nebraska Revised Statutes. The study shall include an examination of the following:

- (1) The current authority for counties to enact ordinances;
- (2) The benefits and potential issues for counties if current ordinance authority is expanded;
- (3) A consideration of allowing counties meeting certain population thresholds to have specific ordinance authority to more appropriately address the unique needs of Nebraskans living in urban areas; and
- (4) A comparison to regional counties in other states regarding county ordinance authority.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 207. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine public health issues related to drugs, alcohol, and sexually transmitted diseases (STDs) in Douglas County.

The study committee shall:

- (1) Collect, examine, and analyze data on drug and alcohol usage and STDs and related health conditions in Douglas County;
- (2) Collect, examine, and analyze data on access in Douglas County to detoxification, treatment facilities, telehealth, distance learning, and other health and education resources for those affected by these issues, including affected children;
- (3) Collect, examine, and analyze data on children in Douglas County who are at risk of continuing a cycle of alcoholism or drug abuse unless outside intervention is made available;
- (4) Encourage participation and obtain input from academic and medical experts, including, but not limited to, the University of Nebraska Medical Center;
- (5) Encourage and obtain input from nonprofit organizations, faith-based institutions, and city, county, and other public officials to evaluate and develop strategies and solutions to address these issues;
- (6) Study, evaluate, and report on the status and effectiveness of policies, procedures, and programs implemented by other states directed toward preventing and combating these issues;
- (7) Evaluate the adequacy of interagency data sharing and policy coordination and recommend changes as necessary;
- (8) Examine sources of federal, state, and private funds that may be available for prevention, detoxification, treatment, rehabilitation, and economic development;
- (9) Create a long-range strategic plan containing measurable goals and benchmarks, including future action needed to attain those goals and benchmarks, for decreasing the incidence of alcohol and drug-related health problems and STDs through prevention programs and increasing treatment, access to detoxification services, sex education and contraceptives, and economic growth in Douglas County and the surrounding areas; and
- (10) Recommend data-supported changes to policies, procedures, and programs to address the needs of children affected by these issues, including the steps that will be required to make the recommended changes and whether further action is required by the Legislature or local governments.

The study committee shall assemble a description of the policies, procedures, and programs that have already been implemented or modified to help rectify the issues raised in this study and shall develop a long-range strategic plan that contains recommendations on how to address these issues.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 208. Introduced by McCollister, 20; Blood, 3; Chambers, 11; Crawford, 45; Krist, 10; Pansing Brooks, 28; Walz, 15.

PURPOSE: The purpose of this resolution is to examine the cost of telephone calls made by people housed in county jails in Nebraska. The issues to be examined in this study shall include, but not be limited to:

(1) The typical or average costs of telephone calls from various county detention facilities across the state;

(2) Any relevant federal law and regulations limiting the cost of telephone calls;

(3) The impact of the cost of telephone calls from jail on inmates' access to attorneys, service professionals, familial relationships and connections to the community;

(4) Whether confidentiality is provided and protected in attorney-client telephone calls; and

(5) A review of Nebraska statutes to determine what changes, if any, should be considered relating to the regulation of telephone calls from county jails, including, but not limited to, whether the Public Service Commission should have the authority to regulate the cost of telephone calls from county jails or detention facilities.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 209. Introduced by Stinner, 48.

PURPOSE: The purpose of this resolution is to study the volatility of Nebraska's revenue portfolio to determine a set of evidence-based savings targets for the Cash Reserve Fund. At present, there is no savings target requirement for the Cash Reserve Fund. An empirically-determined savings target could help ensure that Nebraska has both the savings and resources necessary to fund major priorities.

To determine an appropriate set of savings targets, the level of coverage should be determined to illustrate which proportion of cyclical revenue downturn the Legislature wants to protect against. Additionally, downturn

duration should be determined to represent how many years' worth of protection the Legislature desires.

Analyzing the state's historical experience will give an estimate of the persistence of a downturn in one year and how it carries over into subsequent years. High levels of coverage would be adequate to smooth over either a large, single-year revenue loss or multiple years of relatively smaller downturns.

To inform this decisionmaking, the Legislature should aim to establish a consensus around what proportion of Nebraska's spending commitments the Cash Reserve Fund should insure—an assessment that should be inclusive of both mandatory spending on major programmatic areas as well as discretionary spending on core functions such as education and public safety.

To promote an evidence-based policy for the Cash Reserve Fund savings targets and inform public debate, this study should inform the Legislature's understanding of the most pressing fiscal and economic challenges, along with the best methods to address them. This study should improve Nebraska's fiscal management and enhance its long-term economic health.

In order to determine an appropriate set of savings targets, the study committee shall develop a set of options that depend on the level of budgetary risk that poses a threat to Nebraska's fiscal health and which shall include the following:

- (1) A calculation of the cyclical trend for each revenue stream;
- (2) A calculation of the annual deviations from trend or "time-varying" cyclical volatility;
- (3) A calculation of conditional correlations between revenue streams;
- (4) A calculation of the time-varying standard deviation for all tax streams; and
- (5) An identification of the optimal size of a savings target for the Cash Reserve Fund.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall, upon the conclusion of its study, and no later than December 31, 2017, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 210. Introduced by Stinner, 48.

PURPOSE: The purpose of this resolution is to study fiscal distress among local political subdivisions in Nebraska and how the Legislature could establish an early warning system to identify and respond to such fiscal distress.

A number of significant fiscal events at the local level in recent years highlight the risk that is posed by fiscal distress among local political subdivisions. The exoneration of the "Beatrice Six" in 2009 led to a \$28 million judgement against Gage County. The 2016 announcement that Cabela's, a large employer in Sidney, would be merged with Bass Pro Shops, implicated mass layoffs and uncertainty about the financial future of Cheyenne County. The City of Ralston has faced a series of financial crises after a successful 2011 ballot initiative to build an arena.

Significant fiscal risk has also been imposed on Nebraska's local economy since the 2008 recession, due to cyclical downturns in the agricultural economy. Additionally, out-migration trends over the last several years have threatened the stability of local political subdivisions' tax revenues.

Fiscal distress in one local government can have a negative impact on the fiscal health of other localities, the region, and the State of Nebraska. A fiscal distress early warning system could help the state identify and respond to fiscal distress among local political subdivisions earlier, help local governments avoid more severe fiscal crises, and protect the long-term fiscal health and strong credit rating of such localities and the State of Nebraska.

This study shall focus on the issue of fiscal distress among local political subdivisions, along with how the Legislature could establish a system to identify and respond to fiscal distress among local political subdivisions. The study committee shall:

- (1) Analyze the potential negative impact of fiscal distress in one local government on other local governments and on the State of Nebraska;
- (2) Review the options currently available for responding to fiscal distress among local political subdivisions in Nebraska;
- (3) Review how other states identify and respond to fiscal distress among local political subdivisions;
- (4) Assess the feasibility and costs of establishing an early warning system for fiscal distress among local political subdivisions, including an examination of the information already being collected by various state agencies that could be used to detect such fiscal distress; and
- (5) Consider any other issues the study committee deems relevant.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study and no later than December 31, 2017, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 211. Introduced by Wayne, 13.

PURPOSE: Numerous states have acted to promote competitive market forces in the electricity industry sector, giving their consumers a choice

among electricity supply options and greater information concerning their electricity service and billing options.

The purpose of this resolution is:

(1) To study whether Nebraska consumers would benefit from the provision of more detailed, itemized information in their electricity bills; and

(2) To assess the benefits of allowing Nebraska consumers to choose among competing suppliers as alternatives to their traditional utility when purchasing their electricity needs.

The study committee should consult experts in industry, academia, and government with experience in "unbundling" the information on electricity bills and in providing consumers a choice in electricity supply options.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 212. Introduced by Morfeld, 46; Kuehn, 38.

PURPOSE: The purpose of this interim study is to identify existing and potential K-12 and postsecondary education resources to meet industry needs in preparing students for employment in careers requiring knowledge and skills in science, technology, engineering, and mathematics (STEM) with an emphasis on jobs in the biosciences sector.

Targeting existing resources to prepare our K-12 and postsecondary students for career opportunities in the biosciences sector is key to this state's economic growth and preparation of Nebraska's future workforce. As jobs go unanswered in careers that require knowledge and skills in science, technology, engineering, and math, it is imperative to determine how existing resources can be used to train the next generation of workers in those areas.

The study will focus on potential career opportunities in biosciences, a sector that is growing, highly technical, well compensated, and in need of workers trained to work in a regulatory environment. The study shall be conducted in conjunction with the Nebraska Department of Education and Coordinating Commission for Postsecondary Education and shall:

(1) Determine knowledge and skills required for employment in the biosciences sector;

(2) Assess existing resources available in K-12 and postsecondary education to meet those needs; and

(3) Assess available training options, such as K-12 and postsecondary education programs, that prepare students for careers within the biosciences industry.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 213. Introduced by Wishart, 27; Hilgers, 21; Krist, 10; Stinner, 48.

PURPOSE: The purpose of this resolution is to study state funding for Nebraska airports and, specifically, funding for airport capital improvement.

The study shall include:

(1) A historical review of funding for airports in Nebraska, including funding for airport capital improvements;

(2) A comparison between aviation funding in Nebraska and aviation funding levels in other states, including a comparison of state funding for airport capital improvements;

(3) A study of the capital improvement needs of Nebraska airports, including unmet needs and future needs; and

(4) A study of various funding sources, including aviation fuel taxes, the fund created in section 3-156 of the Nebraska Revised Statutes, registration fees, and sales taxes.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 214. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine contracting and procurement by the Department of Roads. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the total number and value of contracts awarded;

(2) A review of basic procurement procedures utilized by the department;

(3) A review of statutes, rules, and regulations governing the department's contracting and procurement; and

(4) An examination of programs used by the department to give preferences to certain contractors, including small businesses, emerging small businesses, minority contractors, and disadvantaged business enterprises (DBEs).

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 632. Committee AM1303, found on page 1378 and considered in this day's Journal, as amended, was renewed.

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

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

MOTION(S) - Confirmation Report(s)

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1405:

Nebraska Natural Resources Commission
Mark Czaplewski

Voting in the affirmative, 39:

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

Voting in the negative, 0.

Present and not voting, 8:

Bolz	Groene	Larson	Smith
Friesen	Harr	Morfeld	Wayne

Excused and not voting, 2:

Clements Craighead

The appointment was confirmed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

COMMITTEE REPORT(S)
Health and Human Services

The Health and Human Services 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.

Brian Brightman - State Board of Health

Aye: 7 Crawford, Erdman, Howard, Kolterman, Linehan, Riepe, Williams.
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services 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.

Candice Arteaga - Commission for the Deaf and Hard of Hearing
Marc A. Brennan - Commission for the Deaf and Hard of Hearing
Frank R. Turk - Commission for the Deaf and Hard of Hearing

Aye: 7 Crawford, Erdman, Howard, Kolterman, Linehan, Riepe, Williams.
Nay: 0. Absent: 0. Present and not voting: 0.

The Health and Human Services 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.

Timothy Robinson - Foster Care Review Board

Aye: 7 Crawford, Erdman, Howard, Kolterman, Linehan, Riepe, Williams.
Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Merv Riepe, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Education

Room 2102

Wednesday, May 17, 2017 12:20 p.m.

Cindy Gray - Technical Advisory Committee for Statewide Assessment
LR98

(Signed) Mike Groene, Chairperson

AMENDMENT(S) - Print in JournalSenator Pansing Brooks filed the following amendment to LB651:
AM1368

(Amendments to Linehan amendments, AM1226)

- 1 1. Strike amendments 1 through 8 and insert the following new
- 2 amendment:
- 3 1. Strike the original sections and all amendments thereto and
- 4 insert the following new sections:
- 5 Section 1. Section 79-760.02, Revised Statutes Cumulative
- 6 Supplement, 2016, is amended to read:
- 7 79-760.02 In accordance with timelines that are adopted by the State
- 8 Board of Education, but in no event later than one year following the
- 9 adoption or modification of state standards, each school district shall
- 10 adopt measurable quality academic content standards in the subject areas
- 11 of reading, writing, mathematics, science, and social studies. The
- 12 standards may be the same as, or may be equal to or exceed in rigor, the
- 13 measurable academic content standards adopted by the state board and
- 14 shall cover at least the same grade levels. School districts may work
- 15 collaboratively with educational service units, with learning
- 16 communities, or through interlocal agreements to develop such standards.
- 17 No later than September 1, 2019, for academic content standards in
- 18 existence on the effective date of this act, and no later than one year
- 19 following the adoption of any new state academic content standards by a
- 20 school board, such school district shall demonstrate to the State
- 21 Department of Education that such school district uses evidenced-based
- 22 curriculum and instructional, assessment, intervention, and parental
- 23 engagement strategies aligned with the academic content standards that
- 24 support progress toward grade level proficiency and provide targeted
- 25 strategies for accelerated learning.
- 26 Sec. 2. Original section 79-760.02, Revised Statutes Cumulative
- 1 Supplement, 2016, is repealed.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 215.** Introduced by Hilgers, 21.

PURPOSE: The purpose of this study is to examine the feasibility of a pilot project involving autonomous shuttles in a city of the primary class. The study shall specifically examine:

- (1) The state law changes that would be necessary to allow an autonomous shuttle to operate in a city of the primary class;
- (2) The ability for the state or municipal government to partner with private industry and post-secondary institutions in the development of this technology;
- (3) The public safety and advantages and disadvantages of an autonomous shuttle pilot project;
- (4) An analysis of the potential utilization and need for this form of transportation, including the transportation desires of university students and the current and future workforce in a city of the primary class; and
- (5) A review of other states that have advanced legislation or pilot projects relating to autonomous vehicles.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 216. Introduced by Pansing Brooks, 28; Krist, 10.

PURPOSE: The purpose of this resolution is to examine the policies, practices, and laws that govern the safeguarding and sealing of juvenile records. In addition, this study will also examine the policies, practices, and laws that govern the state's ability to vacate or expunge criminal records for victims of sex trafficking. The study shall include an examination of the following:

- (1) Pending and current state and federal legislation and case law regarding the safeguarding and sealing of juvenile records and vacatur or expungement law for victims of sex trafficking;
- (2) Local prosecution, diversion, and law enforcement policies and practices regarding safeguarding and sealing of juvenile records;
- (3) Local court rules, practices, and procedures surrounding safeguarding and sealing of juvenile records;
- (4) Current data from the State Court Administrator regarding numbers of requests to seal records, objections to sealing records filed and results of

such hearings, and current rates of juvenile court records which are eligible for sealing and rates of sealing;

(5) National and state policies, recommendations, and best practices for ensuring adequate safeguarding and sealing of juvenile and criminal court records, and vacatur or expungement law for victims of sex trafficking;

(6) Data sources that can best determine vacatur or expungement law for victims of sex trafficking. Data sources needed include identification, documentation, instances of trafficking within Nebraska, and data sources of adults with convictions for prostitution and prostitution-related activity;

(7) Collateral consequences juveniles and victims of sex trafficking face, including, but not limited to, their ability to get a job, receive medical care, further their education, receive housing assistance, apply for a loan, and obtain immigration relief when they have a criminal court record; and

(8) A survey of youth and families to determine their access to and understanding of current state policies and procedures surrounding the safeguarding and sealing of juvenile records.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 217. Introduced by Riepe, 12; Erdman, 47; Groene, 42.

PURPOSE: The purpose of this resolution is to study the programs and majors offered by the University of Nebraska at the Lincoln, Omaha, and Kearney campuses. This study shall examine the following:

(1) Programs and majors offered at the Lincoln, Omaha, and Kearney campuses;

(2) A history of enrollment in the programs and majors offered;

(3) A history of funding for such programs and majors;

(4) A history of staffing patterns for teaching staff, including professors, and support staff for each program or major offered.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 218. Introduced by Riepe, 12; Erdman, 47; Groene, 42.

PURPOSE: The purpose of this resolution is to study the feasibility of consolidating the University of Nebraska Medical Center and the University of Nebraska - Omaha to create a single University of Nebraska institution in Omaha.

This study shall examine the following:

- (1) The feasibility of such a merger;
- (2) Possible benefits for the University of Nebraska system;
- (3) Possible negative impacts for the University of Nebraska system; and
- (4) Possible impact on the cost of tuition.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 219. Introduced by Hansen, 26; Krist, 10; Pansing Brooks, 28.

PURPOSE: The purpose of this resolution is to examine the effectiveness of section 29-901 of the Nebraska Revised Statutes, which relates to the imposition of bail, and section 29-2206, which relates to the imposition of fines, fees, and court costs. The issues examined in this study shall include, but not be limited to:

- (1) How the current statutory scheme functions;
- (2) Current usage of bail as well as the imposition of fines, fees, and court costs;
- (3) How these financial costs impact low-income Nebraskans;
- (4) How these financial costs impact the Nebraska Retirement Fund for Judges;
- (5) How the collection of fines, fees, and court costs from non-indigent Nebraskans is currently performed;
- (6) Examining improvements or changes that would permit indigent Nebraskans to avoid unnecessary and costly county jail stays; and
- (7) A review of Nebraska statutes to determine changes needed to reform bail and the imposition of fines, fees, and court costs.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 220. Introduced by Hansen, 26.

PURPOSE: The purpose of this interim study is to investigate the purpose and potential benefits of creating conviction integrity units (CIUs) in Nebraska. Numerous jurisdictions have created CIUs, which are assigned staff or a division of a prosecutorial office dedicated to investigating or confirming the validity or integrity of criminal convictions. These divisions work to prevent, identify, and correct false convictions. The number of CIUs has grown rapidly in recent years throughout the United States. This study shall consider, but not be limited to, examining:

(1) The experience of CIUs in other jurisdictions and the associated costs and the benefits or results;

(2) The potential means of establishing CIUs in Nebraska, whether by legislation or by collaboration with the Supreme Court, the Attorney General, or local prosecutors;

(3) Any limitations on the types of convictions which should be the focus of CIUs, such as only felony convictions or other limitations;

(4) The appropriate independence, or dependence, that CIUs have with prosecutors' offices;

(5) The means by which CIUs investigate convictions;

(6) The role of other members in the criminal justice system, such as defendants, defense attorneys, advocacy organizations, judges, and victims;

(7) The access CIUs should have to court files, investigative reports, institutions, defendants, and other matters relating to convictions; and

(8) Nebraska statutes to determine any changes needed to address or accommodate the creation or function of CIUs.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 221. Introduced by Hansen, 26.

PURPOSE: Many states, and the federal government, have some version of deferred judgement probation or a type of sentencing scheme that allows offenders to avoid a criminal conviction by completing a court-ordered and court-supervised term of probation. Deferred judgement probation provides

that offenders, particularly first-time offenders, are held accountable for their wrongful acts. At the same time, these offenders do not have a criminal conviction, and all of the negative collateral consequences that accompany such conviction, on their records.

In the last biennium, the Legislature made significant revisions to the criminal code and criminal procedure. One of the goals of the reform effort was to address the growing prison population. Consideration of a form of deferred judgement probation for Nebraska is consistent with this recent effort.

The purpose of this interim study is to examine the possibility of legislative reforms to Nebraska's sentencing laws to accommodate an option of deferred judgment probation. This interim study shall include, but not be limited to:

- (1) A review of the statutory sentencing process presently in statute;
- (2) A review of the types of crimes for which deferred judgment probation would be applicable;
- (3) A review of the process by which deferred judgment probation may be sought, for example, by election or choice of the defendant, by election or cooperation with the prosecuting attorney, or by authorization of a judge or panel of judges; and
- (4) A review and examination of any potential consequences of implementing statutory changes to create a sentencing option of deferred judgement probation, either with respect to the penalty provisions in statute, or with respect to the procedural statutes relating to the filing of charges to ensure that courts are able to defer judgment and place eligible offenders on probation.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 222. Introduced by Pansing Brooks, 28; Baker, 30; Groene, 42; Kolterman, 24; Krist, 10; Linehan, 39; Walz, 15.

PURPOSE: Early reading literacy plays a key role in enabling the kind of early learning experiences that research shows are linked with academic achievement, reduced retention, higher graduation rates, less contact with the juvenile and adult criminal justice system, and enhanced productivity in adult life. Numerous states have created legislation specifying the process of screening for dyslexia and reading literacy. Nebraska is currently one of only eleven states that has no such legislation in place. During the 2016 session, the Legislature passed LB 645, which defined dyslexia as a specific learning disability in state statute. The Nebraska Department of Education

estimates that there were more than 15,000 children with learning disabilities between the ages of six to twenty-one years in 2016, and somewhere between eighty to eighty-five percent of those children have dyslexia.

Dyslexia's most visible indicators are often easily recognized, and if not caught early, put those affected rapidly behind their peers. National figures show that those with learning disabilities have dropout rates two point five times higher than their peers, and that they are twice as likely to be unemployed.

The purpose of this interim study is to examine dyslexia and reading literacy in Nebraska, including strategies for teacher training, student assessment, student intervention, and demonstrable student outcomes. This study shall include, but not be limited to:

- (1) A review of current policies and procedures in place in schools across the state for screening and intervention in regards to dyslexia;
- (2) A review of the latest scientific research on specific interventions that are necessary to identify at-risk families and improve outcomes for children with dyslexia, including the Orton-Gillingham method;
- (3) A review of the impact of pre-K schooling on reading outcomes;
- (4) A review of the impact of poverty on statewide reading outcomes;
- (5) A review of barriers preventing the state from successfully providing early reading interventions;
- (6) A review of what other states are doing to successfully provide appropriate interventions and outcomes to students with dyslexia;
- (7) A review of the role of the Nebraska Department of Education in addressing dyslexia and reading literacy statewide; and
- (8) A review of the role of the College of Education and Human Sciences at the University of Nebraska-Lincoln in addressing dyslexia and reading literacy statewide.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 223. Introduced by Blood, 3.

PURPOSE: The purpose of this resolution is to study Nebraska statutes governing the use of personally identifiable information and to determine if the standards governing such information are applied consistently. The study committee shall examine statutes, rules and regulations, and policies governing the use of personally identifiable information by government entities in Nebraska, including state agencies and political subdivisions. The study committee shall evaluate whether a more consistent standard should

be applied and recommend any statutory changes the study committee finds beneficial.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 224. Introduced by Blood, 3.

PURPOSE: The purpose of this resolution is to examine cross-county assessment and collection of ad valorem taxes. The study committee shall examine the effect that differing practices in assessment and collection have on neighboring counties and contributions to political subdivisions. The study committee shall also examine the effect on various state aid programs. The study committee should identify solutions that will achieve greater fairness in the assessment and collection of these taxes.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 225. Introduced by Harr, 8.

PURPOSE: The purpose of this resolution is to assess the condition of property related to Willa Cather as described in section 82-129 of the Nebraska Revised Statutes and determine the necessary costs to restore and maintain these properties.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were Senator Clements' brother and nephew, Richard and Aaron Clements from Elmwood; 70 fourth-grade students from Cardinal Elementary, South Sioux City; 3 home school students from Homer, Katie Tighe from Homer, Olivia, Anna, Bethany, John Paul, and Bonnie Hoffman from Wakefield; and 38 fifth-grade students from Swanson Elementary, Omaha.

RECESS

At 12:00 p.m., on a motion by Senator Bostelman, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Hilkemann, Howard, Kolterman, Watermeier, and Wishart who were excused until they arrive.

MESSAGE(S) FROM THE GOVERNOR

May 10, 2017

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 20, 63, 138e, 142e, 154, 159e, 176, 231, 234e, 239, 241, 255e, 255Ae, 264, 306, 315, 383, 409e, 430, 455, 464e, 558, and 645 were received in my office on May 4, 2017.

These bills were signed and delivered to the Secretary of State on May 10, 2017.

(Signed) Sincerely,
Pete Ricketts
Governor

RESOLUTION(S)

LEGISLATIVE RESOLUTION 226. Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36.

PURPOSE: Nebraska has a rigorous occupational licensing process for electrology licenses. The purpose of this resolution is to study the educational and credentialing requirements and the process of applying for and obtaining an electrology license for Nebraska and other states.

This study shall examine the following:

- (1) Reciprocity of electrology licenses;
- (2) Reactivating the license of an electrology professional;
- (3) Documentation or validation issues that may arise in the application process; and
- (4) Other issues that may create delays or refusal of an application.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 227. Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36.

PURPOSE: Nebraska has a rigorous occupational licensing process for nail technology licenses. The purpose of this resolution is to study the educational and credentialing requirements and the process of applying for and obtaining a nail technology license for Nebraska and other states.

This study shall examine the following:

- (1) Reciprocity of nail technology licenses;
- (2) Reactivating the license of a nail technology professional;
- (3) Documentation or validation issues that may arise in the application process; and
- (4) Other issues that may create delays or refusal of an application.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 228. Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36.

PURPOSE: Nebraska has a rigorous occupational licensing process for massage therapy licenses. The purpose of this resolution is to study the educational and credentialing requirements and the process of applying for and obtaining a massage therapy license for Nebraska and other states.

This study shall examine the following:

- (1) Reciprocity of massage therapy licenses;
- (2) Reactivating the license of a massage therapy professional;
- (3) Documentation or validation issues that may arise in the application process; and
- (4) Other issues that may create delays or refusal of an application.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 229. Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36.

PURPOSE: Nebraska has a rigorous occupational licensing process for barbering licenses. The purpose of this resolution is to study the educational and credentialing requirements and the process of applying for and obtaining a barbering license for Nebraska and other states.

This study shall examine the following:

- (1) Reciprocity of barbering licenses;
- (2) Reactivating a barbering license;
- (3) Documentation or validation issues that may arise in the application process; and
- (4) Other issues that may create delays or refusal of an application.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 230. Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36.

PURPOSE: Nebraska has a rigorous occupational licensing process for esthetics licenses. The purpose of this resolution is to study the educational and credentialing requirements and the process of applying for and obtaining an esthetics license for Nebraska and other states.

This study shall examine the following:

- (1) Reciprocity of esthetics licenses;
- (2) Reactivating the license of an esthetics professional;
- (3) Documentation or validation issues that may arise in the application process; and
- (4) Other issues that may create delays or refusal of an application.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 231. Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36.

PURPOSE: Nebraska has a rigorous occupational licensing process for licenses to practice body art. The purpose of this resolution is to study the educational and credentialing requirements and the process of applying for and obtaining a license to practice body art for Nebraska and other states.

This study shall examine the following:

- (1) Reciprocity of body art licenses;
- (2) Reactivating the license of a body art professional;
- (3) Documentation or validation issues that may arise in the application process; and
- (4) Other issues that may create delays or refusal of an application.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 232. Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36.

PURPOSE: Nebraska has a rigorous occupational licensing process for cosmetology licenses. The purpose of this resolution is to study the educational and credentialing requirements and the process of applying for and obtaining a cosmetology license for Nebraska and other states.

This study shall examine the following:

- (1) Reciprocity of cosmetology licenses;
- (2) Reactivating the license of a cosmetology professional;
- (3) Documentation or validation issues that may arise in the application process; and
- (4) Other issues that may create delays or refusal of an application.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 233. Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36.

PURPOSE: The Department of Health and Human Services initiated medicaid managed care for all medicaid-eligible beneficiaries in January 2017. Medicaid managed care will not begin to include long-term care services and support until at least January 2019. The purpose of this study is to review the experiences of medicaid-eligible populations receiving long-term care services and support and identify the necessary practices and protocols for a managed care program. The study committee shall:

(1) Review the delivery of services under the current medicaid managed care program;

(2) Seek input from interested parties on current long-term care services and support practices, including, but not limited to: provider enrollment, credentialing and contracting, service authorization, claim processing, grievance and appeal processes, care coordination protocols, provider network adequacy, measurement of quality of care and health outcomes, and reporting and data transparency;

(3) Analyze the experiences of other states which have implemented medicaid managed long-term care services and support; and

(4) Determine whether additional resources or infrastructure may be necessary to sustain long-term care services for the medicaid managed care program in the future, including, but not limited to: additional workforce, increased funding, services in rural areas, and legislative and regulatory changes.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 234. Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36.

PURPOSE: The Division of Behavioral Health of the Department of Health and Human Services is the behavioral health authority for the state and directs the administration and coordination of the public behavioral health system to prevent and treat mental health and substance use disorders.

Nebraska has six behavioral health regions, which are supported by state and federal funds. These six regions provide assistance in provider network development, service coordination, program planning, and financial and contractual management. Annually, these six regions and the division complete over 30 behavioral health reports.

The purpose of this interim study is to examine these reports and determine whether they properly address the administration and coordination of the behavioral health system administered by these authorities. The study committee shall examine whether any of the reports are outdated or duplicative and whether additional information or data needs to be reported.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 235. Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36.

PURPOSE: The purpose of this interim study is to examine the internal processes of the Department of Health and Human Services relating to the report of the Auditor of Public Accounts issued on January 30, 2017, and to monitor the department's activities relating to the implementation of LB151 (2017).

The study committee shall:

(1) Review prior years' comments and recommendations from the Auditor of Public Accounts;

(2) Review the long-term planning of Accounting and Financial Services of the Department of Health and Human Services, including leadership and staff;

(3) Analyze program compliance; and

(4) Analyze whether sub-monitoring of contracting is efficient or necessary.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 236. Introduced by Health and Human Services Committee: Riepe, 12, Chairperson; Crawford, 45; Erdman, 47; Howard, 9; Kolterman, 24; Linehan, 39; Williams, 36.

PURPOSE: The purpose of this interim study is to examine the workload studies used by the Department of Health and Human Services to understand current staffing needs.

The study committee shall:

(1) Review the historical significance of workload studies within each division of the department;

(2) Examine the 1992 workload study and any other workload studies completed by the department; and

(3) Analyze whether updated workload studies need to be completed.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 237. Introduced by Groene, 42.

PURPOSE: The purpose of this resolution is to study all aspects and the history of the Nebraska Cooperative Republican Platte Enhancement project (N-CORPE), an interlocal agency created pursuant to the Interlocal Cooperation Act to pump ground water for the governmental purpose of augmenting water supplies in order to comply with an interstate compact to which the state is a party.

The study shall include an examination of the following:

(1) The amount of water pumped from affected land on a quarterly basis since the inception of N-CORPE;

(2) The plan and need for continued ground water pumping for such purposes;

(3) The effects and long-term impact of such ground water pumping on the community, including surface water users, those neighboring the project, and local governments;

(4) The effects of purchasing, selling, and leasing land and water rights for ground water pumping; and

(5) Finances related to the interlocal agreement and the project.

At least one hearing shall be held in the area affected by the interlocal agreement. At such hearing, presentations shall provide details concerning all relevant aspects of the work of those involved with or affected by the interlocal agreement. Testimony and information, both written and in-person, shall be accepted from all affected parties and the general public.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Natural Resources Committee shall hold at least one hearing in the area affected by N-CORPE.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 238. Introduced by Stinner, 48.

PURPOSE: The purpose of this resolution is to study the feasibility of acquiring funding for behavioral and mental health internship programs at the doctoral level in rural Nebraska. Internship programs are essential components of the learning process for behavioral and mental health professionals. To encourage such professional development, it is incumbent upon the Legislature to study possible sources of funding. There are a number of federal, state, and other underutilized funding sources that should be examined further to determine the availability of funds for behavioral and mental health internship programs. This study shall focus on professionals at the doctoral level serving individuals with severe mental illness in rural Nebraska and shall include the following:

(1) An inventory of underutilized funds appropriate for the use of internship programs intended for such professionals within the Nebraska medical assistance program, the University of Nebraska, state agencies, federal agencies, and other sources not yet realized;

(2) The identification of workforce demand for such professionals in rural Nebraska within both the private and public behavioral and mental health sectors;

(3) The identification of workforce issues for such professionals within both the private and public behavioral and mental health sectors; and

(4) Other strategy recommendations to address the shortage of such professionals.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 415A. Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

MOTION(S) - Return LB268A to Select File

Senator Schumacher moved to return LB268A to Select File for the following specific amendment:

AM1381

(Amendments to Final Reading copy)

1 1. Insert the following new sections:

2 Sec. 2. The General Fund appropriation for FY2018-19 to the
 3 Department of Health and Human Services, for Program 348, is hereby
 4 reduced by \$384,000. The federal fund estimated appropriation for
 5 FY2018-19 to the Department of Health and Human Services, for Program
 6 348, is hereby reduced by \$416,000. For FY2018-19 the state aid General
 7 Fund earmark in the Department of Health and Human Services, for Program
 8 348, is hereby reduced by \$384,000 and the federal fund state aid earmark
 9 is also hereby reduced by \$416,000.

10 Sec. 3. Section 219, Legislative Bill 327, One Hundred Fifth

11 Legislature, First Session, 2017, is amended to read:

12 Sec. 219. AGENCY NO. 70 — FOSTER CARE REVIEW OFFICE

13 Program No. 353 - Children's Commission

14	FY2017-18	FY2018-19
15 <u>GENERAL FUND</u>	<u>180,000</u>	<u>180,000</u>
16 <u>CASH FUND</u>	<u>180,000</u>	<u>180,000</u>
17 PROGRAM TOTAL	180,000	180,000
18 SALARY LIMIT	100,392	101,144

19 Sec. 4. This act becomes operative on July 1, 2017.

20 Sec. 5. Original section 219, Legislative Bill 327, One Hundred

21 Fifth Legislature, First Session, 2017, is repealed.

22 Sec. 6. Since an emergency exists, this act takes effect when

23 passed and approved according to law.

24 2. On page 1, strike beginning with "appropriate" in line 1 through
 25 "2017" in line 3 and insert "amend section 219, Legislative Bill 327, One
 26 Hundred Fifth Legislature, First Session, 2017; to reduce appropriations
 1 and associated earmarks; to appropriate funds to aid in carrying out the
 2 provisions of Legislative Bill 268, One Hundred Fifth Legislature, First
 3 Session, 2017; to change an appropriation as prescribed; to provide an
 4 operative date; to repeal the original section; and to declare an
 5 emergency".

The Schumacher motion to return prevailed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 268A. The Schumacher specific amendment, AM1381, found in this day's Journal, was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

GENERAL FILE

LEGISLATIVE BILL 496. Title read. Considered.

Committee AM470, found on page 645, was offered.

Senator Groene offered the following motion:

MO132

Bracket until June 2, 2017.

Senator Williams moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Senator Groene moved for a call of the house. The motion prevailed with 33 ayes, 1 nay, and 15 not voting.

Senator Groene requested a roll call vote on the motion to bracket.

Voting in the affirmative, 6:

Brasch	Erdman	Schumacher
Brewer	Groene	Wayne

Voting in the negative, 29:

Baker	Geist	Hughes	McDonnell	Smith
Blood	Halloran	Kolowski	Morfeld	Stinner
Bolz	Hansen	Kolterman	Murante	Vargas
Briese	Harr	Krist	Pansing Brooks	Walz
Craighead	Hilkemann	Lindstrom	Quick	Williams
Crawford	Howard	McCollister	Scheer	

Present and not voting, 11:

Albrecht	Ebke	Kuehn	Watermeier
Bostelman	Friesen	Linehan	Wishart
Clements	Hilgers	Riepe	

Excused and not voting, 3:

Chambers	Larson	Lowe
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The Groene motion to bracket failed with 6 ayes, 29 nays, 11 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 415A. Placed on Select File.

(Signed) Anna Wishart, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Transportation and Telecommunications

Room 1113

Wednesday, May 17, 2017 1:00 p.m.

Steven Hinchcliff - Motor Vehicle Industry Licensing Board

Thomas Dinsdale - Motor Vehicle Industry Licensing Board

(Signed) Curt Friesen, Chairperson

AMENDMENT(S) - Print in JournalSenator Groene filed the following amendment to LB512A:
AM1393

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. The General Fund appropriation for FY2017-18 to the
- 4 State Department of Education, for Program 25, is hereby reduced by
- 5 \$6,402. The General Fund appropriation for FY2018-19 to the State
- 6 Department of Education, for Program 25, is hereby reduced by \$6,402.
- 7 Sec. 2. The General Fund appropriation for FY2017-18 to the State
- 8 Department of Education, for Program 158, is hereby reduced by \$40,000.
- 9 The General Fund appropriation for FY2018-19 to the State Department of
- 10 Education, for Program 158, is hereby reduced by \$40,000.
- 11 The General Fund earmark for FY2017-18 is reduced to \$1,222,430,090
- 12 in the State Department of Education, for Program 158. The General Fund
- 13 earmark for FY2018-19 is reduced to \$1,251,393,303 in the State
- 14 Department of Education, for Program 158.
- 15 The General Fund earmark for the Summer Food Service Program for
- 16 FY2017-18 is reduced to \$90,000. The General Fund earmark for the Summer
- 17 Food Service Program for FY2018-19 is reduced to \$90,000.
- 18 Sec. 3. This act becomes operative on July 1, 2017.
- 19 Sec. 4. Since an emergency exists, this act takes effect when
- 20 passed and approved according to law.
- 21 2. On page 1, strike beginning with "amend" in line 1 through the
- 22 second semicolon in line 6 and insert "reduce appropriations and
- 23 associated earmarks as prescribed; to provide an operative date;".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 239. Introduced by Kolowski, 31; Blood, 3; Vargas, 7; Wishart, 27.

PURPOSE: The purpose of this resolution is to examine issues related to solar energy development in Nebraska. Solar energy can provide many benefits, including providing stable energy costs for customers and power districts, providing energy at times of peak demand, helping businesses and residences reduce their energy usage and lower their energy bills, and keeping energy dollars in the community, instead of sending them out of state. Solar energy can be sited in both rural and urban areas and near the place of energy usage.

Additionally, there is a great deal of interest in solar energy among Nebraskans, and Nebraska has great potential for solar energy development. Solar energy can help attract new business and provide benefits to Nebraska's public power districts by generating economic development in their service areas. It is also the policy of the State of Nebraska to promote solar energy development. Despite this, there has been insufficient solar energy development in Nebraska.

The study shall include, but not be limited to, an examination of the following:

- (1) Methods of increasing solar energy development in this state, including whether additional incentives are needed;
- (2) Methods of helping businesses and agricultural operations make use of solar energy to reduce energy costs and improve their bottom line;
- (3) Methods of authorizing individuals and businesses to invest in larger solar projects, including virtual net metering;
- (4) Methods of removing barriers to solar energy development, including reducing governmental red tape;
- (5) Successful policies and programs in other states; and
- (6) Any other issues that will facilitate a full and complete examination of solar energy and solar energy development in Nebraska.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 240. Introduced by Brewer, 43; Smith, 14.

PURPOSE: The purpose of this resolution is to examine the issues raised by LB121 (2017) related to taxation of military benefits.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 241. Introduced by Vargas, 7; McDonnell, 5; Pansing Brooks, 28; Stinner, 48; Wayne, 13; Wishart, 27.

PURPOSE: The purpose of this interim study is to examine the distribution and use of funds from the federal Title X program. Title X is a federal grant distributed to states or other qualified entities to fund family planning and related preventive health services with priority given to low-income people. Title X funds are distributed across Nebraska and then appropriated to serve nearly 30,000 low-income Nebraskans at Federally Qualified Health Centers, hospitals, local health departments, and health clinics.

The purpose of this interim study is to:

- (1) Collect, examine, and analyze data regarding the distribution of federal Title X funds, including, but not limited to: criteria and qualifications for funds for service providers and patients, demand for services, clinic categorization of service providers, geographical distribution of funds, and patients eligible for Title X services;
- (2) Collect, examine, and analyze data regarding the origin of federal Title X funds and the cost of Title X services;
- (3) Collect, examine, and analyze data of federal Title X service providers, including, but not limited to: location, number of patients served, total funds received, services and cost of services performed;
- (4) Collect, examine, and analyze data of federal Title X service recipients, including, but not limited to: services and the cost of services provided, location, income, and gender;
- (5) Study, evaluate, and report on the status and effectiveness of policies, procedures, and programs implemented by other states regarding the distribution of federal Title X funding;
- (6) Investigate, examine, and analyze any and all legal implications of any potential limitations on qualifications of types of providers to receive subrecipient federal Title X grant funds from the state, potential legal implications as a result of disqualifying current providers during existing grant cycles, and potential legal implications as a result of patients losing

services as a result of a change in the existing distribution method of federal Title X grant funds; and

(7) Recommend data-supported changes to policies, procedures, and programs to address the needs of people who use Title X services, including the steps that will be required to make the recommended changes and whether further action is required by the Legislature.

In conducting the interim study, the study committee shall encourage participation and obtain input from subject matter, academic, medical, and legal experts, nonprofit organizations, entities that provide services as subrecipients of federal Title X funds, and individuals that receive federal Title X program funds and services. The study committee shall also seek input and participation from the Health and Human Services Committee of the Legislature, its members, and experts in the relevant areas of that committee's jurisdiction.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature by December 31, 2017.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 242. Introduced by Kuehn, 38; Albrecht, 17; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2; Craighead, 6; Friesen, 34; Geist, 25; Halloran, 33; Watermeier, 1.

PURPOSE: The purpose of this study is to examine the feasibility of zero-based budgeting for state agencies.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 243. Introduced by Wayne, 13.

PURPOSE: The purpose of this resolution is to study issues related to eminent domain and property rights. The right to own property is fundamental to the fabric of American law and justice. The Fifth Amendment of the Constitution of the United States provides that private

property cannot be taken without due process and that such property can only be taken for a public use with just compensation. Article I, section 3, of the Constitution of Nebraska requires due process to take property from its owner. Article I, section 21, of the Constitution of Nebraska requires just compensation for property taken for a public use. Section 76-710.04 of the Nebraska Revised Statutes restricts the use of eminent domain for economic development purposes, but carves out specific exceptions, including pipelines and transmission lines.

A one-time payment for a permanent easement for an infrastructure project that generates revenue may not provide just compensation to the property owner, and an easement taken by eminent domain may permanently alter the character of the land and its surroundings. An easement taken by eminent domain may also create liabilities which fall on the property owner in addition to abandonment, restoration, and reclamation issues. The use of zoning by local jurisdictions may provide a means of protecting property owners.

The study committee shall examine the following issues:

- (1) Whether granting eminent domain authority to for-profit entities meets the constitutional requirement of a public use;
- (2) Whether the constitutional requirement of a public use should require proof of a benefit to the general public;
- (3) Whether administrative processes that trigger eminent domain authority meet standards necessary to provide adequate due process for property owners;
- (4) Whether a one-time payment for property taken through eminent domain provides just compensation for projects that generate revenue;
- (5) Whether a system of renewals or lease payments should be required instead of permanent easements for major infrastructure projects that generate revenue, such as transmission lines and pipelines;
- (6) Whether entities granted easements for infrastructure projects that generate revenue, such as pipeline and transmission lines, should be required to provide bonds, liability insurance, and decommissioning plans to protect property owners;
- (7) Whether impacts to natural resources should be considered as part of the process of granting eminent domain authority for infrastructure projects such as pipelines and transmission lines;
- (8) Whether social and economic impacts should be considered as part of the process of granting eminent domain authority for infrastructure projects such as pipelines and transmission lines; and
- (9) Whether there are other effective means of protecting the rights of private property owners including zoning provisions.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall conduct at least three public hearings, including at least one in each Congressional district.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 244. Introduced by McDonnell, 5.

WHEREAS, Edward Danner was born on February 14, 1900, in Guthrie, Oklahoma, and settled in Omaha before beginning a career as a butcher; and

WHEREAS, Edward Danner served in numerous leadership positions in the United Packinghouse Workers of America (UPWA) union, AFL-CIO, including Field Representative and Vice-President and worked in South Omaha in the Union Stock Yards for Swift and Company Packinghouse located in Nebraska's Legislative District 5; and

WHEREAS, Edward Danner was elected to the Nebraska Legislature in 1962 and served until 1970, representing Legislative District 11 in North Omaha; and

WHEREAS, Senator Danner was the first member of the Nebraska Legislature to have previously held a leadership position in an AFL-CIO trade union; and

WHEREAS, Senator Danner served in the Nebraska Legislature during the height of the civil rights movement and passed legislation to legalize interracial marriage, prohibit racial discrimination in housing and employment, and to allow public employees to collectively bargain; and

WHEREAS, Senator Danner helped create the Nebraska Equal Opportunity Commission, an agency created by statute in 1965 to enforce the public policy of the state against discrimination.

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

1. That the Legislature designates February 14, 2018, as Edward Danner Day.

2. That Nebraskans are encouraged to come together to recognize, commemorate, and celebrate the history, accomplishments, and importance of Senator Edward Danner.

3. That Nebraskans are also encouraged to study the civil rights movement in Nebraska and Nebraska's history of organized labor.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 333A. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 333, One Hundred Fifth Legislature, First Session, 2017.

LEGISLATIVE BILL 632A. Introduced by Larson, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 632, One Hundred Fifth Legislature, First Session, 2017; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 496. Senator Groene offered the following motion:

MO133

Recommit to the Urban Affairs Committee.

SPEAKER SCHEER PRESIDING

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

Senator Groene moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

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

Voting in the affirmative, 35:

Albrecht	Clements	Hilkemann	Lindstrom	Scheer
Blood	Crawford	Howard	Linehan	Smith
Bolz	Ebke	Hughes	McCollister	Stinner
Bostelman	Geist	Kolowski	McDonnell	Vargas
Brasch	Halloran	Kolterman	Murante	Walz
Brewer	Hansen	Krist	Pansing Brooks	Williams
Briese	Harr	Kuehn	Quick	Wishart

Voting in the negative, 8:

Baker	Craighead	Friesen	Watermeier
Chambers	Erdman	Groene	Wayne

Present and not voting, 2:

Riepe	Schumacher
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Excused and not voting, 4:

Hilgers	Larson	Lowe	Morfeld
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The motion to cease debate prevailed with 35 ayes, 8 nays, 2 present and not voting, and 4 excused and not voting.

Senator Groene requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 6:

Brasch	Erdman	Schumacher
Brewer	Friesen	Watermeier

Voting in the negative, 33:

Baker	Crawford	Hughes	McDonnell	Vargas
Blood	Geist	Kolowski	Murante	Walz
Bolz	Halloran	Kolterman	Pansing Brooks	Wayne
Bostelman	Hansen	Krist	Quick	Williams
Briese	Harr	Kuehn	Scheer	Wishart
Clements	Hilkemann	Lindstrom	Smith	
Craighead	Howard	McCollister	Stinner	

Present and not voting, 6:

Albrecht	Ebke	Linehan
Chambers	Groene	Riepe

Excused and not voting, 4:

Hilgers	Larson	Low	Morfeld
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The Groene motion to recommit to committee failed with 6 ayes, 33 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

SELECT FILE

LEGISLATIVE BILL 415. ER88, found on page 1414, was adopted.

Senator Kolterman offered the following amendment:
AM1383

(Amendments to E & R amendments, ER88)

- 1 1. Insert the following new sections:
- 2 Sec. 20. Section 24-710.01, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 24-710.01 Any original member, as defined in subdivision ~~(18)~~ ~~(17)~~
- 5 of section 24-701, who has not previously retired, may elect to make
- 6 contributions and receive benefits pursuant to subsection (2) of section
- 7 24-703 and subsection (2) of section 24-710, instead of those provided by
- 8 subsection (1) of section 24-703 and subsection (1) of section 24-710.

9 Such election shall be by written notice delivered to the board not later
10 than November 1, 1981. Such member shall thereafter be considered a
11 future member.

12 Sec. 48. Section 84-1309.02, Reissue Revised Statutes of Nebraska,
13 is amended to read:

14 84-1309.02 (1) It is the intent of the Legislature that, in order to
15 improve the competitiveness of the retirement plan for state employees, a
16 cash balance benefit shall be added to the State Employees Retirement Act
17 on and after January 1, 2003. Each member who is employed and
18 participating in the retirement system prior to January 1, 2003, may
19 either elect to continue participation in the defined contribution
20 benefit as provided in the act prior to January 1, 2003, or elect to
21 participate in the cash balance benefit as set forth in this section. An
22 active member shall make a one-time election beginning September 1, 2012,
23 through October 31, 2012, in order to participate in the cash balance
24 benefit. If no such election is made, the member shall be treated as
25 though he or she elected to continue participating in the defined
26 contribution benefit as provided in the act prior to January 1, 2003.

1 Members who elect to participate in the cash balance benefit beginning
2 September 1, 2012, through October 31, 2012, shall commence participation
3 in the cash balance benefit on January 2, 2013. Any member who made the
4 election prior to April 7, 2012, does not have to make another election
5 of the cash balance benefit beginning September 1, 2012, through October
6 31, 2012.

7 (2) For a member employed and participating in the retirement system
8 beginning on and after January 1, 2003, or a member employed and
9 participating in the retirement system on January 1, 2003, who, prior to
10 April 7, 2012, or beginning September 1, 2012, through October 31, 2012,
11 elects to convert his or her employee and employer accounts to the cash
12 balance benefit:

13 (a) Except as provided in subdivision (2)(b) of section 84-1321.01,
14 the employee cash balance account within the State Employees Retirement
15 Fund shall, at any time, be equal to the following:

16 (i) The initial employee account balance, if any, transferred from
17 the defined contribution plan account described in section 84-1310; plus

18 (ii) Employee contribution credits deposited in accordance with
19 section 84-1308; plus

20 (iii) Interest credits credited in accordance with subdivision (19)
21 ~~(48)~~ of section 84-1301; plus

22 (iv) Dividend amounts credited in accordance with subdivision (4)(c)
23 of section 84-1319; and

24 (b) The employer cash balance account shall, at any time, be equal
25 to the following:

26 (i) The initial employer account balance, if any, transferred from
27 the defined contribution plan account described in section 84-1311; plus

28 (ii) Employer contribution credits deposited in accordance with
29 section 84-1309; plus

30 (iii) Interest credits credited in accordance with subdivision (19)
31 ~~(48)~~ of section 84-1301; plus

- 1 (iv) Dividend amounts credited in accordance with subdivision (4)(c)
 2 of section 84-1319.
- 3 (3) In order to carry out the provisions of this section, the board
 4 may enter into administrative services agreements for accounting or
 5 record-keeping services. No agreement shall be entered into unless the
 6 board determines that it will result in administrative economy and will
 7 be in the best interests of the state and its participating employees.
 8 The board may develop a schedule for the allocation of the administrative
 9 services agreements costs for accounting or record-keeping services and
 10 may assess the costs so that each member pays a reasonable fee as
 11 determined by the board.
- 12 2. On page 9, line 4, strike "association" and insert "pension
 13 board".
- 14 3. On page 11, line 17, strike "association" and insert "authority".
- 15 4. On page 13, line 30; page 16, line 29; page 19, line 25; and page
 16 22, line 28, strike the new matter and reinstate the stricken matter.
- 17 5. On page 15, line 13, strike "association" and insert "board of
 18 directors".
- 19 6. On page 18, line 12, strike "association" and insert "city
 20 council".
- 21 7. On page 21, line 8; and page 24, line 11, strike "association"
 22 and insert "retirement committee".
- 23 8. On page 60, line 11, strike "employer" and insert "state court
 24 administrator".
- 25 9. On page 64, line 18, strike "association" and insert "board of
 26 health".
- 27 10. On page 82, line 8, strike "subsection (2)" and insert
 28 "subdivision (b) of this subsection".
- 29 11. On page 101, line 18, strike "37 and 38" and insert "38 and 39".
- 30 12. On page 103, line 31, strike "37" and insert "38".
- 31 13. On page 146, strike beginning with "20" in line 22 through "53"
 1 in line 23 and insert "21, 22, 23, 27, 29, 31, 32, 33, 36, 40, 41, 43,
 2 44, 45, 46, 50, 51, 52, and 55".
- 3 14. On page 147, line 5, after the second comma insert "24-710.01,"
 4 and after the last comma insert "84-1309.02,".
- 5 15. Renumber the remaining sections accordingly.

The Kolterman amendment was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Kolterman offered the following amendment:
 AM1374

(Amendments to E & R amendments, ER88)

- 1 1. On page 73, lines 19 and 20, reinstate the stricken language; and
 2 strike line 31.
- 3 2. On page 74, strike lines 1 through 6; in line 7 strike "(40)" and
 4 insert "(39)"; in line 9 strike "(41)" and insert "(40)"; in line 13
 5 strike "(42)" and insert "(41)"; in line 18 strike "(43)" and insert
 6 "(42)"; and in line 30 strike "(44)" and insert "(43)".

- 7 3. On page 75, line 5, strike "(45)(a)" and insert "(44)" and strike
8 beginning with the comma through the last comma in line 6; and in lines
9 12 through 31 strike the new matter and reinstate the stricken matter.
10 4. On page 76, line 1, reinstate the stricken matter; in line 2
11 strike the new matter; in line 6 strike the period, show as stricken, and
12 insert "; and"; strike lines 7 through 10; and in line 11 strike "(46)"
13 and insert "(45)".
14 5. On page 78, strike beginning with "(i)" in line 16 through "(ii)"
15 in line 19.
16 6. On page 99, strike lines 24 through 30; and in line 31 strike
17 "(31)" and insert "(30)".
18 7. On page 100, line 3, strike "(32)" and insert "(31)"; in line 8
19 strike "(33)" and insert "(32)"; and strike lines 14 through 31.
20 8. On page 101, strike lines 1 through 11; in line 12 strike "(35)"
21 and insert "(33)"; and in line 14 strike "(36)" and insert "(34)".
22 9. On page 105, strike beginning with the colon in line 24 through
23 "Whether" in line 29 and insert "stating whether".

The Kolterman amendment was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following motion:

MO135

Indefinitely postpone.

SENATOR KRIST PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 33 ayes, 4 nays, and 12 not voting.

Senator Chambers requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 2:

Brewer Erdman

Voting in the negative, 39:

Albrecht	Craighead	Howard	McCollister	Smith
Baker	Friesen	Hughes	McDonnell	Stinner
Blood	Geist	Kolowski	Murante	Vargas
Bolz	Groene	Kolterman	Pansing Brooks	Walz
Bostelman	Halloran	Krist	Quick	Watermeier
Brasch	Hansen	Kuehn	Riepe	Williams
Briese	Harr	Lindstrom	Scheer	Wishart
Clements	Hilkemann	Linehan	Schumacher	

Present and not voting, 2:

Chambers Crawford

Excused and not voting, 6:

Ebke	Larson	Morfeld
Hilgers	Lowe	Wayne

The Chambers motion to indefinitely postpone failed with 2 ayes, 39 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO136

Reconsider the vote to indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 40:

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

Present and not voting, 1:

Walz

Excused and not voting, 7:

Ebke	Larson	Morfeld	Wayne
Hilgers	Lowe	Murante	

The Chambers motion to reconsider failed with 1 aye, 40 nays, 1 present and not voting, and 7 excused and not voting.

Pending.

MOTION - Adjournment

Senator Blood moved to adjourn until 9:00 a.m., Thursday, May 11, 2017. The motion failed with 1 aye, 40 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 415. Senator Chambers offered the following motion:
MO137
Bracket until May 25, 2017.

Senator Chambers withdrew his motion to bracket.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 268A. Placed on Final Reading Second.

(Signed) Anna Wishart, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Natural Resources

Room 1524

Thursday, May 18, 2017 12:00 p.m.

James A. Shields - Nebraska Natural Resources Commission
Paul Dunn - Nebraska Environmental Trust Board
Quentin Bowen - Nebraska Environmental Trust Board
Chuck Hutchison - Nebraska Power Review Board

(Signed) Dan Hughes, Chairperson

RESOLUTION(S)

LEGISLATIVE RESOLUTION 245. Introduced by Brewer, 43; Albrecht, 17; Bostelman, 23; Geist, 25.

PURPOSE: The purpose of this resolution is to examine the issues raised by LB504 (2017) related to placing a moratorium on industrial development of wind energy projects.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 246. Introduced by Brewer, 43; Pansing Brooks, 28.

WHEREAS, Chief Standing Bear of the Ponca Tribe is recognized as a symbol of the First Nations' civil rights across Indian Country and throughout the United States; and

WHEREAS, Chief Standing Bear, in the case of Standing Bear vs. Crook, became the first Native American to be recognized as a person within the meaning of the law in a court decision rendered in the Ponca Chief's favor on May 12, 1879; and

WHEREAS, the trial of Chief Standing Bear does not reflect merely a Native American issue nor that of any other specific race or ethnicity, but instead extends itself to broader matters of citizenship and humanity; and

WHEREAS, Omaha tribal member Susan La Flesche Picotte overcame racial and gender inequality to become America's first Indian doctor; and

WHEREAS, Dr. La Flesche worked tirelessly to provide medical care to members of the Omaha tribe as well as members of the community at large; and

WHEREAS, Dr. La Flesche and Chief Standing Bear both personally sacrificed as warriors for their people; and

WHEREAS, May 12, 2017, commemorates the 138th anniversary of the landmark court decision; and

WHEREAS, citizens of the Great State of Nebraska will gather for the Annual Chief Standing Bear Commemoration Celebration to remember and reflect upon the contributions of Chief Standing Bear.

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

1. That the Legislature recognizes the great sacrifice and contributions of Chief Standing Bear and Dr. Susan La Flesche Picotte.

2. That the Legislature joins with Governor Ricketts in declaring May 12, 2017, to be Chief Standing Bear Day in Nebraska.

3. That a copy of this resolution be sent to the Commission on Indian Affairs.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Williams filed the following amendment to LB496:
AM1378

(Amendments to Standing Committee amendments, AM470)

- 1 1. Strike amendment 1.
- 2 2. Insert the following new sections:
- 3 Section 1. Section 18-2101, Revised Statutes Cumulative Supplement,
- 4 2016, is amended to read:
- 5 18-2101 Sections 18-2101 to 18-2144 and section 3 of this act shall
- 6 be known and may be cited as the Community Development Law.
- 7 Sec. 3. Prior to approving a redevelopment project to carry out the
- 8 construction of workforce housing, a governing body shall (a) receive a
- 9 housing study which is current within twenty-four months, (b) prepare an
- 10 incentive plan for construction of housing in the municipality targeted
- 11 to house existing or new workers, (c) hold a public hearing on such
- 12 incentive plan with notice which complies with the conditions set forth
- 13 in section 18-2115, and (d) after the public hearing find that such
- 14 incentive plan is necessary to prevent the spread of blight and
- 15 substandard conditions within the municipality, will promote additional
- 16 safe and suitable housing for individuals and families employed in the
- 17 municipality, and will not result in the unjust enrichment of any
- 18 individual or company. A public hearing held under this section shall be
- 19 separate from any public hearing held under section 18-2115.
- 20 3. On page 7, strike beginning with "single-family" in line 19
- 21 through line 29 and insert ":
- 22 (a) Housing that meets the needs of today's working families;
- 23 (b) Housing that is attractive to new residents considering
- 24 relocation to a rural community;
- 25 (c) Owner-occupied housing units that cost not more than two hundred
- 26 seventy-five thousand dollars to construct or rental housing units that
- 1 cost not more than two hundred thousand dollars per unit to construct.
- 2 For purposes of this subdivision (c), housing unit costs shall be updated
- 3 annually by the Department of Economic Development based upon the most
- 4 recent increase or decrease in the Producer Price Index for all
- 5 commodities, published by the United States Department of Labor, Bureau
- 6 of Labor Statistics;
- 7 (d) Owner-occupied and rental housing units for which the cost to
- 8 substantially rehabilitate exceeds fifty percent of a unit's assessed
- 9 value; and
- 10 (e) Upper-story housing."
- 11 4. Renumber the remaining sections and correct the repealer
- 12 accordingly.

MOTION(S) - Print in Journal

Senator Halloran filed the following motion to LB248:
MO131
Bracket until June 2, 2017.

Senator Chambers filed the following motion to LB496:
MO134
Reconsider the vote taken to recommit to committee.

AMENDMENT(S) - Print in Journal

Senator Linehan filed the following amendment to LB651:
AM1394

(Amendments to Linehan amendments, AM1226)

1 1. On page 1, strike beginning with "in" in line 7 through line 8
2 and insert "strike line 11 and insert the following:"; strike lines 12
3 and 13 and insert "student's reading deficiency."
4 (2) A student who has previously been retained shall not be retained
5 in third grade pursuant to this section.; in line 12 strike '(2)' and
6 insert '(3)'; strike beginning with 'If' in line 23 through the period in
7 line 26; in line 26 strike 'superintendent' and insert 'school principal'
8 and strike 'principal's' and insert 'teacher's'; and in line 28, strike
9 '(3)' and insert '(4)'; and in line 17 after the semicolon insert "in
10 line 21, strike 'establish' and insert 'provide'; strike beginning with
11 'who' in line 22 through 'grade' in line 24;"

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Geist name added to LR131.
Senator Riepe name added to LR178.
Senator Kuehn name added to LR217.

VISITORS

Visitor to the Chamber was Josh Wall from Lincoln.

The Doctor of the Day was Dr. Patrick Hotovy from York.

ADJOURNMENT

At 6:34 p.m., on a motion by Senator Brasch, the Legislature adjourned until 9:00 a.m., Thursday, May 11, 2017.

Patrick J. O'Donnell
Clerk of the Legislature