

**FOURTEENTH DAY - JANUARY 24, 2018****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 24, 2018

**PRAYER**

The prayer was offered by Senator Riepe.

**ROLL CALL**

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

The roll was called and all members were present except Senator Thibodeau who was excused; and Senators McCollister, Morfeld, Murante, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirteenth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 285.** Placed on Select File with amendment.  
ER99

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. Section 71-502.03, Reissue Revised Statutes of Nebraska,  
4 is amended to read:  
5 71-502.03 (1) Every physician, or other person authorized by law to  
6 practice obstetrics, who is attending a pregnant woman in the state for  
7 conditions relating to her pregnancy during the period of gestation or at  
8 delivery shall take or cause to be taken a sample of the blood of such  
9 woman at the time of the first examination and shall submit such sample  
10 to an approved laboratory for a standard serological test for syphilis.  
11 Every other person permitted by law to attend pregnant women in the  
12 state, but not permitted by law to take blood samples, shall cause such a  
13 sample of the blood of such pregnant women to be taken by a physician,  
14 duly licensed to practice either medicine and surgery or obstetrics, or  
15 other person authorized by law to take such sample of blood and have such

16 sample submitted to an approved laboratory for a standard serological  
17 test for syphilis. The results of all such laboratory tests shall be  
18 reported to the Department of Health and Human Services on standard forms  
19 prescribed and furnished by the department. For the purpose of this  
20 section, a standard serological test shall be a test for syphilis  
21 approved by the department and shall be made at a laboratory approved to  
22 make such tests by the department. Such laboratory tests, as are required  
23 by this section, shall be made on request at the Department of Health and  
24 Human Services Laboratory. A fee may be established by rule and  
25 regulation by the department to defray no more than the actual cost of  
26 such tests. Such fee shall be deposited in the state treasury and  
27 credited to the Health and Human Services Cash Fund. In reporting every  
1 birth and stillbirth, physicians and others required to make such reports  
2 shall state on the portion of the certificate entitled For Medical and  
3 Health Use Only whether a blood test for syphilis has been made upon a  
4 specimen of blood taken from the woman who bore the child for which a  
5 birth or stillbirth certificate is filed and the approximate date when  
6 the specimen was taken. No birth certificate shall show the result of  
7 such test. If no test was made, the reason shall be stated. The  
8 department shall provide the necessary clerical, printing, and other  
9 expenses in carrying out this section.

10 (2) Every physician or other person authorized by law to practice  
11 obstetrics who is attending a pregnant woman in the state for conditions  
12 relating to her pregnancy during the period of gestation shall administer  
13 or cause to be administered a test of the pregnant woman's blood for the  
14 presence of the human immunodeficiency virus infection unless the  
15 pregnant woman has given written informed consent that she does not want  
16 to be tested.

17 Sec. 2. Section 71-531, Revised Statutes Cumulative Supplement,  
18 2016, is amended to read:

19 71-531 ~~(1)(a) No person may be tested for the presence of the human~~  
20 ~~immunodeficiency virus infection unless he or she has given written~~  
21 ~~informed consent for the performance of such test. The written informed~~  
22 ~~consent shall provide an explanation of human immunodeficiency virus~~  
23 ~~infection and the meaning of both positive and negative test results.~~  
24 ~~(b) If a person signs a general consent form for the performance of~~  
25 ~~medical tests or procedures which informs the person that a test for the~~  
26 ~~presence of the human immunodeficiency virus infection may be performed~~  
27 ~~and that the person may refuse to have such test performed, the signing~~  
28 ~~of an additional consent for the specific purpose of consenting to a test~~  
29 ~~related to human immunodeficiency virus is not required during the time~~  
30 ~~in which the general consent form is in effect.~~

31 ~~(2) If a person is unable to provide consent, the person's legal~~  
1 ~~representative may provide consent. If the person's legal representative~~  
2 ~~cannot be located or is unavailable, a health care provider may authorize~~  
3 ~~the test when the test results are necessary for diagnostic purposes to~~  
4 ~~provide appropriate medical care.~~

5 ~~(1) (3) A person seeking a human immunodeficiency virus test shall~~  
6 ~~have the right to remain anonymous. If an anonymous test is requested, a~~

7 A health care provider shall confidentially refer such person to a site  
8 which provides anonymous testing.

9 ~~(4) This section shall not apply to:~~

10 ~~(a) The performance by a health care provider or a health facility  
11 of a human immunodeficiency virus test when the health care provider or  
12 health facility procures, processes, distributes, or uses a human body  
13 part for a purpose specified under the Revised Uniform Anatomical Gift  
14 Act and such test is necessary to assure medical acceptability of such  
15 gift for the purposes intended;~~

16 ~~(2) When (b) The performance by a health care provider or a health  
17 facility performs of a human immunodeficiency virus test when such test  
18 is performed with the consent and written authorization of the person  
19 being tested and such test is for insurance underwriting purposes,  
20 written information about the human immunodeficiency virus is provided,  
21 including, but not limited to, the identification and reduction of risks,  
22 the person is informed of the result of such test, and when the result is  
23 positive, the person being tested shall be is referred for posttest  
24 treatment, counseling;~~

25 ~~(3) When (e) The performance of a human immunodeficiency virus test  
26 is performed by licensed medical personnel of the Department of  
27 Correctional Services on an individual when the subject of the test is  
28 committed to such department, the . Posttest counseling shall be required  
29 for the subject if the test is positive. A person committed to the  
30 department Department of Correctional Services shall be informed by the  
31 department (a) (i) if he or she is being tested for the human  
1 immunodeficiency virus, (b) (ii) that education shall be provided to him  
2 or her about the human immunodeficiency virus, including, but not limited  
3 to, the identification and reduction of risks, and (c) (iii) of the test  
4 result and the meaning of such result. Posttest counseling shall be  
5 required for the subject of the test if such test is positive. ;~~

6 ~~(d) Human immunodeficiency virus home collection kits licensed by  
7 the federal Food and Drug Administration; or~~

8 ~~(e) The performance of a human immunodeficiency virus test performed  
9 pursuant to section 29-2290 or sections 71-507 to 71-513 or 71-514.01 to  
10 71-514.05.~~

11 Sec. 3. Original section 71-502.03, Reissue Revised Statutes of  
12 Nebraska, and section 71-531, Revised Statutes Cumulative Supplement,  
13 2016, are repealed.

14 2. On page 1, strike lines 2 through 6 and insert "section  
15 71-502.03, Reissue Revised Statutes of Nebraska, and section 71-531,  
16 Revised Statutes Cumulative Supplement, 2016; to provide a duty to test  
17 pregnant women, eliminate written informed consent and exemption  
18 provisions, and change posttest counseling and treatment provisions  
19 relating to testing for human immunodeficiency virus infection; to  
20 harmonize provisions; and to repeal the original sections."

**LEGISLATIVE BILL 258.** Placed on Select File.

**LEGISLATIVE BILL 310.** Placed on Select File with amendment.

ER97

1 1. On page 1, line 2, after "Nebraska" insert ", and section  
2 60-6,383, Revised Statutes Cumulative Supplement, 2016"; and in line 4  
3 after "bridges" insert "and operation restrictions for implements of  
4 husbandry".

5 2. On page 2, line 30, after the comma insert "and section 60-6,383,  
6 Revised Statutes Cumulative Supplement, 2016,".

**LEGISLATIVE BILL 472.** Placed on Select File with amendment.

ER98

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

2 sections:

3 Section 1. Section 39-220, Revised Statutes Supplement, 2017, is  
4 amended to read:

5 39-220 The Department of Transportation may at its discretion  
6 require permits for advertising signs, displays, or devices which are  
7 placed or allowed to exist along or upon the Highway Beautification  
8 Control System ~~any interstate or primary highway or which are at any~~  
9 point visible from the main-traveled way of the Highway Beautification  
10 Control System, except for on-premise signs, displays, and devices, as  
11 defined in the department's rules and regulations, for advertising  
12 activities conducted on the property on which the sign, display, or  
13 device is located ~~signs located within an area of fifty feet of any~~  
14 ~~commercial or industrial building on the premises.~~ Such permits shall be  
15 renewed biennially. Each sign shall bear on the side facing the highway  
16 the permit number in a readily observable place for inspection purposes  
17 from the highway right-of-way. ~~The department is authorized to charge a~~  
18 ~~fee to be not less than twenty-five cents or not to exceed fifteen~~  
19 ~~dollars for each permit and renewal permit for each individual sign.~~ The  
20 department shall adopt and promulgate rules and regulations to implement  
21 and administer ~~establishing, and from time to time adjusting, the annual~~  
22 ~~fees for the permits to cover the costs of administering~~ sections 39-212  
23 to 39-226 ~~and may by rule and regulation provide exceptions from the~~  
24 ~~payment of fees for signs advertising eleemosynary or nonprofit public~~  
25 ~~service activities, signs designating historical sites, and farm and~~  
26 ~~ranch directional signs.~~ The department may revoke the permit for  
27 noncompliance reasons and remove the sign if, after thirty days'

1 notification to the sign owner, the sign remains in noncompliance.

2 Printed sale bills not exceeding two hundred sixteen square inches in  
3 size shall not require a permit if otherwise conforming.

4 Sec. 2. Original section 39-220, Revised Statutes Supplement, 2017,  
5 is repealed.

6 2. On page 1, strike beginning with "Reissue" in line 1 through  
7 "Nebraska" in line 2 and insert "Revised Statutes Supplement, 2017"; and  
8 in line 5 strike "Roads" and insert "Transportation's".

**LEGISLATIVE BILL 78.** Placed on Select File.

**LEGISLATIVE BILL 345.** Placed on Select File.

**LEGISLATIVE BILL 486.** Placed on Select File with amendment.

ER100

1 1. On page 1, line 5, strike "to establish a fee;".

**LEGISLATIVE BILL 275.** Placed on Select File with amendment.

ER101

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

2 insert the following new sections:

3 Section 1. Section 60-149, Revised Statutes Supplement, 2017, is

4 amended to read:

5 60-149 (1)(a) If a certificate of title has previously been issued  
6 for a vehicle in this state, the application for a new certificate of  
7 title shall be accompanied by the certificate of title duly assigned  
8 except as otherwise provided in the Motor Vehicle Certificate of Title  
9 Act.

10 (b) Except for manufactured homes or mobile homes as provided in  
11 subsection (2) of this section, if a certificate of title has not  
12 previously been issued for the vehicle in this state or if a certificate  
13 of title is unavailable pursuant to subsection (4) of section 52-1801,  
14 the application shall be accompanied by:

15 (i) A manufacturer's or importer's certificate except as otherwise  
16 provided in subdivision (vii) of this subdivision;

17 (ii) A duly certified copy of the manufacturer's or importer's  
18 certificate;

19 (iii) An affidavit by the owner affirming ownership in the case of  
20 an all-terrain vehicle, a utility-type vehicle, or a minibike;

21 (iv) A certificate of title from another state;

22 (v) A court order issued by a court of record, a manufacturer's  
23 certificate of origin, or an assigned registration certificate, if the  
24 law of the state from which the vehicle was brought into this state does  
25 not have a certificate of title law;

26 (vi) Documentation prescribed in section 60-142.01, 60-142.02,  
27 60-142.04, 60-142.05, or 60-142.09 or documentation of compliance with  
1 section 76-1607; or

2 (vii) A manufacturer's or importer's certificate and an affidavit by  
3 the owner affirming ownership in the case of a minitruck.

4 (c) If the application for a certificate of title in this state is  
5 accompanied by a valid certificate of title issued by another state which  
6 meets that state's requirements for transfer of ownership, then the  
7 application may be accepted by this state.

8 (d) If a certificate of title has not previously been issued for the  
9 vehicle in this state and the applicant is unable to provide such  
10 documentation, the applicant may apply for a bonded certificate of title  
11 as prescribed in section 60-167.

12 (2)(a) If the application for a certificate of title for a  
13 manufactured home or a mobile home is being made in accordance with  
14 subdivision (4)(b) of section 60-137 or if the certificate of title for a  
15 manufactured home or a mobile home is unavailable pursuant to section  
16 52-1801, the application shall be accompanied by proof of ownership in

17 the form of:

18 (i) A duly assigned manufacturer's or importer's certificate;

19 (ii) A certificate of title from another state;

20 (iii) A court order issued by a court of record;

21 (iv) Evidence of ownership as provided for in section 30-24,125,

22 sections 52-601.01 to 52-605, sections 60-1901 to 60-1911 and section 3

23 of this act, or sections 60-2401 to 60-2411, or documentation of

24 compliance with section 76-1607; or

25 (v) Assessment records for the manufactured home or mobile home from  
26 the county assessor and an affidavit by the owner affirming ownership.

27 (b) If the applicant cannot produce proof of ownership described in

28 subdivision (a) of this subsection, he or she may submit to the

29 department such evidence as he or she may have, and the department may

30 thereupon, if it finds the evidence sufficient, issue the certificate of

31 title or authorize the county treasurer to issue a certificate of title,

1 as the case may be.

2 (3) For purposes of this section, certificate of title includes a

3 salvage certificate, a salvage branded certificate of title, or any other

4 document of ownership issued by another state or jurisdiction for a

5 salvage vehicle. Only a salvage branded certificate of title shall be

6 issued to any vehicle conveyed upon a salvage certificate, a salvage

7 branded certificate of title, or any other document of ownership issued

8 by another state or jurisdiction for a salvage vehicle.

9 (4) The county treasurer shall retain the evidence of title

10 presented by the applicant and on which the certificate of title is

11 issued.

12 Sec. 2. Section 60-166, Revised Statutes Supplement, 2017, is

13 amended to read:

14 60-166 (1) In the event of (a) the transfer of ownership of a

15 vehicle by operation of law as upon inheritance, devise, or bequest,

16 order in bankruptcy, insolvency, replevin, or execution sale or as

17 provided in sections 30-24,125, 52-601.01 to 52-605, 60-1901 to 60-1911

18 and section 3 of this act, and 60-2401 to 60-2411, (b) the engine of a

19 vehicle being replaced by another engine, (c) a vehicle being sold to

20 satisfy storage or repair charges or under section 76-1607, or (d)

21 repossession being had upon default in performance of the terms of a

22 chattel mortgage, trust receipt, conditional sales contract, or other

23 like agreement, and upon acceptance of an electronic certificate of title

24 record after repossession, in addition to the title requirements in this

25 section, the county treasurer of any county or the department, upon the

26 surrender of the prior certificate of title or the manufacturer's or

27 importer's certificate, or when that is not possible, upon presentation

28 of satisfactory proof of ownership and right of possession to such

29 vehicle, and upon payment of the appropriate fee and the presentation of

30 an application for certificate of title, may issue to the applicant a

31 certificate of title thereto. If the prior certificate of title issued

1 for such vehicle provided for joint ownership with right of survivorship,

2 a new certificate of title shall be issued to a subsequent purchaser upon

3 the assignment of the prior certificate of title by the surviving owner

4 and presentation of satisfactory proof of death of the deceased owner.  
5 Only an affidavit by the person or agent of the person to whom possession  
6 of such vehicle has so passed, setting forth facts entitling him or her  
7 to such possession and ownership, together with a copy of the journal  
8 entry, court order, or instrument upon which such claim of possession and  
9 ownership is founded, shall be considered satisfactory proof of ownership  
10 and right of possession, except that if the applicant cannot produce such  
11 proof of ownership, he or she may submit to the department such evidence  
12 as he or she may have, and the department may thereupon, if it finds the  
13 evidence sufficient, issue the certificate of title or authorize any  
14 county treasurer to issue a certificate of title, as the case may be.  
15 (2) If from the records of the county treasurer or the department  
16 there appear to be any liens on such vehicle, such certificate of title  
17 shall comply with section 60-164 or 60-165 regarding such liens unless  
18 the application is accompanied by proper evidence of their satisfaction  
19 or extinction.

20 Sec. 3. (1) A law enforcement agency is authorized to remove an  
21 abandoned or trespassing vehicle from private property upon the request  
22 of the private property owner on whose property the vehicle is located  
23 and upon information indicating that the vehicle is an abandoned or  
24 trespassing vehicle. After removal, the law enforcement agency with  
25 custody of the vehicle shall follow the procedures in sections 60-1902  
26 and 60-1903.

27 (2) A law enforcement agency is authorized to contact a private  
28 towing service in order to remove an abandoned or trespassing vehicle  
29 from private property upon the request of the private property owner on  
30 whose property the vehicle is located and upon information indicating  
31 that the vehicle is an abandoned or trespassing vehicle. A vehicle towed  
1 away under this subsection is subject to sections 52-601.01 to 52-605 by  
2 the private towing service which towed the vehicle.

3 (3) A private property owner is authorized to remove or cause the  
4 removal of an abandoned or trespassing vehicle from such property and may  
5 contact a private towing service for such removal. A private towing  
6 service that tows the vehicle shall notify, within twenty-four hours, the  
7 designated law enforcement agency in the jurisdiction from which the  
8 vehicle is removed and provide the registration plate number, the vehicle  
9 identification number, if available, the make, model, and color of the  
10 vehicle, and the name of the private towing service and the location, if  
11 applicable, where the private towing service is storing the vehicle. A  
12 vehicle towed away under this subsection is subject to sections 52-601.01  
13 to 52-605 and 60-2410 by the private towing service that towed the  
14 vehicle.

15 (4) For purposes of this section, a trespassing vehicle is a vehicle  
16 that is parked without permission on private property that is not  
17 typically made available for public parking.

18 Sec. 4. Section 60-1906, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 60-1906 Neither the owner, owner's agent, owner's employee, lessee,  
21 nor occupant of the premises from which any abandoned vehicle is removed,

22 nor the state, city, village, or county, shall be liable for any loss or  
 23 damage to such vehicle which occurs during its removal or while in the  
 24 possession of the state, city, village, or county or its contractual  
 25 agent, while in the possession of a private towing service, or as a  
 26 result of any subsequent disposition.

27 Sec. 5. Section 60-1910, Reissue Revised Statutes of Nebraska, is  
 28 amended to read:

29 60-1910 The Director of Motor Vehicles shall adopt and promulgate  
 30 rules and regulations providing for such forms and procedures as are  
 31 necessary or desirable to effectuate the provisions of sections 60-1901  
 1 to 60-1911 and section 3 of this act. Such rules and regulations may  
 2 include procedures for the removal and disposition of vehicle  
 3 identification numbers of abandoned vehicles, forms for local records for  
 4 abandoned vehicles, and inquiries relating to ownership of such vehicles.

5 Sec. 6. Section 60-1911, Reissue Revised Statutes of Nebraska, is  
 6 amended to read:

7 60-1911 Except as provided in section 60-1908, any person violating  
 8 the provisions of sections 60-1901 to 60-1911 and section 3 of this act  
 9 shall be guilty of a Class II misdemeanor.

10 Sec. 7. Sections 2 and 8 of this act become operative on January 1,  
 11 2019. The other sections of this act become operative on their effective  
 12 date.

13 Sec. 8. Original section 60-166, Revised Statutes Supplement, 2017,  
 14 is repealed.

15 Sec. 9. Original sections 60-1906, 60-1910, and 60-1911, Reissue  
 16 Revised Statutes of Nebraska, and section 60-149, Revised Statutes  
 17 Supplement, 2017, are repealed.

18 2. On page 1, line 3, strike "Cumulative"; in line 4 strike "2016"  
 19 and insert "2017; to define a term" and strike "officers and" and insert  
 20 "agencies and private towing services; to provide"; and in line 6 after  
 21 the second semicolon insert "to provide operative dates;".

**LEGISLATIVE BILL 618.** Placed on Select File with amendment.  
 ER102

1 1. On page 2, line 5, after "75-301" insert an underscored comma.

(Signed) Anna Wishart, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**  
 General Affairs

Room 1510

Monday, February 5, 2018 1:30 p.m.

LB734  
 LB1120



Monday, February 12, 2018 1:30 p.m.

LB1102  
LR294CA  
LB984

(Signed) Tyson Larson, Chairperson

Revenue

Room 1524

Wednesday, January 31, 2018 1:30 p.m.

LB947

(Signed) Jim Smith, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Geist filed the following amendment to LB394:

AM1504

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 28-1206, Revised Statutes Supplement, 2017, is
- 4 amended to read:
- 5 28-1206 (1) A person commits the offense of possession of a deadly
- 6 weapon by a prohibited person if he or she:
- 7 (a) Possesses a firearm, a knife, or brass or iron knuckles and he
- 8 or she:
- 9 (i) Has previously been convicted of a felony;
- 10 (ii) Is a fugitive from justice;
- 11 (iii) Is the subject of a current and validly issued domestic
- 12 violence protection order; or ;
- 13 (iv) Is the subject of a current and validly issued harassment
- 14 protection order; or sexual assault protection order and is knowingly
- 15 violating such order; or
- 16 (b) Possesses a firearm or brass or iron knuckles and he or she has
- 17 been convicted within the past seven years of a misdemeanor crime of
- 18 domestic violence.
- 19 (2) The felony conviction may have been had in any court in the
- 20 United States, the several states, territories, or possessions, or the
- 21 District of Columbia.
- 22 (3)(a) Possession of a deadly weapon which is not a firearm by a
- 23 prohibited person is a Class III felony.
- 24 (b) Possession of a deadly weapon which is a firearm by a prohibited
- 25 person is a Class ID felony for a first offense and a Class IB felony for
- 26 a second or subsequent offense.
- 27 (4) Subdivision (1)(a)(i) of this section shall not prohibit:

- 1 (a) Possession of archery equipment for lawful purposes; or  
2 (b) If in possession of a recreational license, possession of a  
3 knife for purposes of butchering, dressing, or otherwise processing or  
4 harvesting game, fish, or furs.
- 5 (5)(a) For purposes of this section, misdemeanor crime of domestic  
6 violence means a crime that:
- 7 (i) Is classified as a misdemeanor under the laws of the United  
8 States or the District of Columbia or the laws of any state, territory,  
9 possession, or tribe;
- 10 (ii) Has, as an element, the use or attempted use of physical force  
11 or the threatened use of a deadly weapon; and
- 12 (iii) Is committed by another against his or her spouse, his or her  
13 former spouse, a person with whom he or she has a child in common whether  
14 or not they have been married or lived together at any time, or a person  
15 with whom he or she is or was involved in a dating relationship as  
16 defined in section 28-323.
- 17 (b) For purposes of this section, misdemeanor crime of domestic  
18 violence also includes the following offenses, if committed by a person  
19 against his or her spouse, his or her former spouse, a person with whom  
20 he or she is or was involved in a dating relationship as defined in  
21 section 28-323, or a person with whom he or she has a child in common  
22 whether or not they have been married or lived together at any time:
- 23 (i) Assault in the third degree under section 28-310;  
24 (ii) Stalking under subsection (1) of section 28-311.04;  
25 (iii) False imprisonment in the second degree under section 28-315;  
26 (iv) First offense domestic assault in the third degree under  
27 subsection (1) of section 28-323; or
- 28 (v) Any attempt or conspiracy to commit any of such offenses.
- 29 (c) A person shall not be considered to have been convicted of a  
30 misdemeanor crime of domestic violence unless:
- 31 (i) The person was represented by counsel in the case or knowingly  
1 and intelligently waived the right to counsel in the case; and
- 2 (ii) In the case of a prosecution for a misdemeanor crime of  
3 domestic violence for which a person was entitled to a jury trial in the  
4 jurisdiction in which the case was tried, either:
- 5 (A) The case was tried to a jury; or
- 6 (B) The person knowingly and intelligently waived the right to have  
7 the case tried to a jury.
- 8 (6) In addition, for purposes of this section:
- 9 (a) Archery equipment means:
- 10 (i) A longbow, recurve bow, compound bow, or nonelectric crossbow  
11 that is drawn or cocked with human power and released by human power; and
- 12 (ii) Target or hunting arrows, including arrows with broad, fixed,  
13 or removable heads or that contain multiple sharp cutting edges;
- 14 (b) Domestic violence protection order means a protection order  
15 issued pursuant to section 42-924 and after a hearing of which the person  
16 subject to the order received actual notice and at which he or she had an  
17 opportunity to participate;
- 18 (c) Harassment protection order means: (i) A a protection order

19 issued pursuant to section 28-311.09 and after a hearing of which the  
 20 person subject to the order received actual notice and at which he or she  
 21 had an opportunity to participate; or (ii) a protection order that meets  
 22 or exceeds the criteria set forth in section 28-311.10 regarding  
 23 protection orders issued by a court in any other state or a territory,  
 24 possession, or tribe;

25 (d) Recreational license means a state-issued license, certificate,  
 26 registration, permit, tag, sticker, or other similar document or  
 27 identifier evidencing permission to hunt, fish, or trap for furs in the  
 28 State of Nebraska; and

29 (e) Sexual assault protection order means: (i) ~~A~~ a protection order  
 30 issued pursuant to section 28-311.11 and after a hearing of which the  
 31 person subject to the order received actual notice and at which he or she  
 1 had an opportunity to participate; or (ii) a protection order that meets  
 2 or exceeds the criteria set forth in section 28-311.12 regarding  
 3 protection orders issued by a court in any other state or a territory,  
 4 possession, or tribe.

5 Sec. 2. Section 42-924, Revised Statutes Supplement, 2017, is  
 6 amended to read:

7 42-924 (1)(a) ~~(1)~~ Any victim of domestic abuse may file a petition  
 8 and affidavit for a protection order as provided in subsections (2) and  
 9 (3) of this section. Upon the filing of such a petition and affidavit in  
 10 support thereof, the court may issue a protection order without bond  
 11 granting the following relief:

12 (i) ~~(a)~~ Enjoining the respondent from imposing any restraint upon  
 13 the petitioner or upon the liberty of the petitioner;

14 (ii) ~~(b)~~ Enjoining the respondent from threatening, assaulting,  
 15 molesting, attacking, or otherwise disturbing the peace of the  
 16 petitioner;

17 (iii) ~~(c)~~ Enjoining the respondent from telephoning, contacting, or  
 18 otherwise communicating with the petitioner;

19 (iv) ~~(d)~~ Removing and excluding the respondent from the residence of  
 20 the petitioner, regardless of the ownership of the residence;

21 (v) ~~(e)~~ Ordering the respondent to stay away from any place  
 22 specified by the court;

23 (vi) ~~(f)~~ Awarding the petitioner temporary custody of any minor  
 24 children not to exceed ninety days; or

25 ~~(g) Enjoining the respondent from possessing or purchasing a firearm~~  
 26 ~~as defined in section 28-1201; or~~

27 (vii) ~~(h)~~ Ordering such other relief deemed necessary to provide for  
 28 the safety and welfare of the petitioner and any designated family or  
 29 household member.

30 (b) If a protection order is issued pursuant to this section after a  
 31 hearing of which the respondent received actual notice and at which the  
 1 respondent had an opportunity to participate, the court shall enjoin the  
 2 respondent from purchasing or possessing a firearm, as defined in section  
 3 28-1201, and shall inform the respondent that such possession is a felony  
 4 under section 28-1206.

5 (2) Petitions for protection orders shall be filed with the clerk of

6 the district court, and the proceeding may be heard by the county court  
 7 or the district court as provided in section 25-2740. A petition for a  
 8 protection order may not be withdrawn except upon order of the court.  
 9 (3)(a) A protection order shall specify that it is effective for a  
 10 period of one year and, if the order grants temporary custody, the number  
 11 of days of custody granted to the petitioner unless otherwise modified by  
 12 the court.  
 13 (b) Any victim of domestic abuse may file a petition and affidavit  
 14 to renew a protection order. Such petition and affidavit for renewal  
 15 shall be filed on or after thirty days before the expiration of the  
 16 previous protection order. Such renewed order shall specify that it is  
 17 effective for a period of one year to commence on the first day following  
 18 the expiration of the previous order and, if the court grants temporary  
 19 custody, the number of days of custody granted to the petitioner unless  
 20 otherwise modified by the court.  
 21 (4) Any person who knowingly violates a protection order issued  
 22 pursuant to this section or section 42-931 after service or notice as  
 23 described in subsection (2) of section 42-926 shall be guilty of a Class  
 24 I misdemeanor, except that any person convicted of violating such order  
 25 who has a prior conviction for violating a protection order shall be  
 26 guilty of a Class IV felony.  
 27 (5) If there is any conflict between sections 42-924 to 42-926 and  
 28 any other provision of law, sections 42-924 to 42-926 shall govern.  
 29 Sec. 3. Original sections 28-1206 and 42-924, Revised Statutes  
 30 Supplement, 2017, are repealed.

### COMMITTEE REPORT(S)

Revenue

**LEGISLATIVE BILL 881.** Placed on General File.  
**LEGISLATIVE BILL 882.** Placed on General File.

(Signed) Jim Smith, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 297.** Introduced by Ebke, 32.

WHEREAS, the Crete High School softball team won the 2017 Class B State Softball Championship; and

WHEREAS, the Crete Cardinals defeated the Seward Bluejays by a score of 12-2 in the championship game; and

WHEREAS, this is the first Class B title for the Cardinals softball team; and

WHEREAS, Coach Shawn Carr led the team to finish the season with a 26-9 record; and

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

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

1. That the Legislature congratulates the Crete Cardinals for their outstanding season and for winning the 2017 Class B State Softball Championship.

2. That a copy of this resolution be sent to the Crete Cardinals and Coach Shawn Carr.

Laid over.

### **CONFLICT OF INTEREST STATEMENT**

Pursuant to Rule 1, Sec. 19, Senator Bolz has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

### **RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR287 was adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR287.

### **MOTION(S) - Withdraw LB1017**

Senator Krist offered his motion, MO178, found on page 363, to withdraw LB1017.

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

Senator Krist requested a roll call vote on the motion to withdraw the bill.

Voting in the affirmative, 40:

Albrecht	Clements	Harr	Larson	Scheer
Baker	Crawford	Hilgers	Lindstrom	Schumacher
Bolz	Ebke	Hilkemann	Linehan	Smith
Bostelman	Friesen	Hughes	McCollister	Stinner
Brasch	Geist	Kolowski	McDonnell	Vargas
Brewer	Groene	Kolterman	Murante	Watermeier
Briese	Halloran	Krist	Quick	Wayne
Chambers	Hansen	Kuehn	Riepe	Williams

Voting in the negative, 7:

Blood	Howard	Morfeld	Wishart
Erdman	Lowe	Pansing Brooks	

Present and not voting, 1:

Walz

Excused and not voting, 1:

Thibodeau

The Krist motion to withdraw the bill prevailed with 40 ayes, 7 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

### **NOTICE OF COMMITTEE HEARING(S)**

Appropriations

Room 1524

Monday, February 12, 2018 1:30 p.m.

LB677

LB715

LB864

LB985

LB1101

Agency 28 - Veterans' Affairs, Department of

Agency 25 - Health and Human Services

Note: Hearing regarding the restriction on use of Federal Title X program funds (LB944, Section 71) to be held on February 5

Tuesday, February 13, 2018 1:30 p.m.

Agency 5 - Supreme Court

Agency 15 - Parole, Nebraska Board of

Agency 64 - State Patrol, Nebraska

Agency 78 - Nebraska Commission on Law Enforcement and Criminal Justice

LB716

LB871

LB861

Agency 46 - Correctional Services, Department of

Room 2102

Wednesday, February 14, 2018 1:30 p.m.

Agency 51 - University of Nebraska System

Room 1003

Thursday, February 15, 2018 1:30 p.m.

LB1002

LB1055

LB1061

LB1062

(Signed) John Stinner, Chairperson

Executive Board

Room 2102

Wednesday, January 31, 2018 12:00 p.m.

LB809

LB1018

(Signed) Dan Watermeier, Chairperson

Natural Resources

Room 1525

Wednesday, January 31, 2018 1:30 p.m.

Joseph Citta - Environmental Quality Council

Mohamed Dahab - Environmental Quality Council

LB820

Thursday, February 1, 2018 1:30 p.m.

Lance Hedquist - Environmental Quality Council

Robert Hall - Environmental Quality Council

Ryan McIntosh - Nebraska Environmental Trust Board

LB1054

(Signed) Dan Hughes, Chairperson

Health and Human Services

Room 1510

Wednesday, January 31, 2018 1:30 p.m.

LB681  
LB979  
LB958

Thursday, February 1, 2018 1:30 p.m.

LB1044  
LB787  
LB903

(Signed) Merv Riepe, Chairperson

**AMENDMENT(S) - Print in Journal**Senator Wayne filed the following amendment to LB729:

AM1623

1 1. Strike the original sections and insert the following new  
2 sections:3 Section 1. Section 81-8,219, Revised Statutes Supplement, 2017, is  
4 amended to read:

5 81-8,219 The State Tort Claims Act shall not apply to:

6 (1) Any claim based upon an act or omission of an employee of the  
7 state, exercising due care, in the execution of a statute, rule, or  
8 regulation, whether or not such statute, rule, or regulation is valid, or  
9 based upon the exercise or performance or the failure to exercise or  
10 perform a discretionary function or duty on the part of a state agency or  
11 an employee of the state, whether or not the discretion is abused;12 (2) Any claim arising with respect to the assessment or collection  
13 of any tax or fee, or the detention of any goods or merchandise by any  
14 law enforcement officer;15 (3) Any claim for damages caused by the imposition or establishment  
16 of a quarantine by the state whether such quarantine relates to persons  
17 or property;18 (4) Any claim arising out of assault, battery, false imprisonment,  
19 false arrest, malicious prosecution, abuse of process, libel, slander,  
20 ~~misrepresentation, deceit~~, or interference with contract rights;21 (5) Any claim arising out of misrepresentation or deceit, except  
22 that the State Tort Claims Act shall apply to a claim arising out of  
23 misrepresentation or deceit by the Department of Health and Human  
24 Services in failing to warn, notify, or inform of a ward's history as a  
25 victim or perpetrator of sexual abuse in cases of adoption or placement;26 ~~(6)~~ (5) Any claim by an employee of the state which is covered by  
27 the Nebraska Workers' Compensation Act;



1 ~~(7)~~ ~~(6)~~ Any claim based on activities of the Nebraska National Guard  
2 when such claim is cognizable under the Federal Tort Claims Act, 28  
3 U.S.C. 2674, or the federal National Guard Tort Claims Act of the United  
4 States, 32 U.S.C. 715, or when such claim accrues as a result of active  
5 federal service or state service at the call of the Governor for quelling  
6 riots and civil disturbances;

7 ~~(8)~~ ~~(7)~~ Any claim based upon the failure to make an inspection or  
8 making an inadequate or negligent inspection of any property other than  
9 property owned by or leased to the state to determine whether the  
10 property complies with or violates any statute, ordinance, rule, or  
11 regulation or contains a hazard to public health or safety unless the  
12 state had reasonable notice of such hazard or the failure to inspect or  
13 inadequate or negligent inspection constitutes a reckless disregard for  
14 public health or safety;

15 ~~(9)~~ ~~(8)~~ Any claim based upon the issuance, denial, suspension, or  
16 revocation of or failure or refusal to issue, deny, suspend, or revoke  
17 any permit, license, certificate, or order. Such claim shall also not be  
18 filed against a state employee acting within the scope of his or her  
19 office. Nothing in this subdivision shall be construed to limit the  
20 state's liability for any claim based upon the negligent execution by a  
21 state employee in the issuance of a certificate of title under the Motor  
22 Vehicle Certificate of Title Act and the State Boat Act except when such  
23 title is issued upon an application filed electronically by an approved  
24 licensed dealer participating in the electronic dealer services system  
25 pursuant to section 60-1507;

26 ~~(10)~~ ~~(9)~~ Any claim arising out of the malfunction, destruction, or  
27 unauthorized removal of any traffic or road sign, signal, or warning  
28 device unless it is not corrected by the governmental entity responsible  
29 within a reasonable time after actual or constructive notice of such  
30 malfunction, destruction, or removal. Nothing in this subdivision shall  
31 give rise to liability arising from an act or omission of any  
1 governmental entity in placing or removing any traffic or road signs,  
2 signals, or warning devices when such placement or removal is the result  
3 of a discretionary act of the governmental entity;

4 ~~(11)~~ ~~(10)~~ Any claim arising out of snow or ice conditions or other  
5 temporary conditions caused by nature on any highway as defined in  
6 section 60-624, bridge, public thoroughfare, or other state-owned public  
7 place due to weather conditions. Nothing in this subdivision shall be  
8 construed to limit the state's liability for any claim arising out of the  
9 operation of a motor vehicle by an employee of the state while acting  
10 within the course and scope of his or her employment by the state;

11 ~~(12)~~ ~~(11)~~ Any claim arising out of the plan or design for the  
12 construction of or an improvement to any highway as defined in such  
13 section or bridge, either in original construction or any improvement  
14 thereto, if the plan or design is approved in advance of the construction  
15 or improvement by the governing body of the governmental entity or some  
16 other body or employee exercising discretionary authority to give such  
17 approval;

18 ~~(13)~~ ~~(12)~~ Any claim arising out of the alleged insufficiency or want

19 of repair of any highway as defined in such section, bridge, or other  
20 public thoroughfare. Insufficiency or want of repair shall be construed  
21 to refer to the general or overall condition and shall not refer to a  
22 spot or localized defect. The state shall be deemed to waive its immunity  
23 for a claim due to a spot or localized defect only if the state has had  
24 actual or constructive notice of the defect within a reasonable time to  
25 allow repair prior to the incident giving rise to the claim;

26 ~~(14)(a)~~ ~~(13)(a)~~ Any claim relating to recreational activities on  
27 property leased, owned, or controlled by the state for which no fee is  
28 charged (i) resulting from the inherent risk of the recreational  
29 activity, (ii) arising out of a spot or localized defect of the premises  
30 unless the spot or localized defect is not corrected within a reasonable  
31 time after actual or constructive notice of the spot or localized defect,  
1 or (iii) arising out of the design of a skatepark or bicycle motocross  
2 park constructed for purposes of skateboarding, inline skating,  
3 bicycling, or scootering that was constructed or reconstructed,  
4 reasonably and in good faith, in accordance with generally recognized  
5 engineering or safety standards or design theories in existence at the  
6 time of the construction or reconstruction. For purposes of this  
7 subdivision, the state shall be charged with constructive notice only  
8 when the failure to discover the spot or localized defect of the premises  
9 is the result of gross negligence.

10 (b) For purposes of this subdivision:

11 (i) Recreational activities include, but are not limited to, whether  
12 as a participant or spectator: Hunting, fishing, swimming, boating,  
13 camping, picnicking, hiking, walking, running, horseback riding, use of  
14 trails, nature study, waterskiing, winter sports, use of playground  
15 equipment, biking, roller blading, skateboarding, golfing, athletic  
16 contests; visiting, viewing, or enjoying entertainment events, festivals,  
17 or historical, archaeological, scenic, or scientific sites; and similar  
18 leisure activities;

19 (ii) Inherent risk of recreational activities means those risks that  
20 are characteristic of, intrinsic to, or an integral part of the activity;

21 (iii) Gross negligence means the absence of even slight care in the  
22 performance of a duty involving an unreasonable risk of harm; and

23 (iv) Fee means a fee to participate in or be a spectator at a  
24 recreational activity. A fee shall include payment by the claimant to any  
25 person or organization other than the state only to the extent the state  
26 retains control over the premises or the activity. A fee shall not  
27 include payment of a fee or charge for parking or vehicle entry.

28 (c) This subdivision, and not subdivision ~~(8)~~ ~~(7)~~ of this section,  
29 shall apply to any claim arising from the inspection or failure to make  
30 an inspection or negligent inspection of premises owned or leased by the  
31 state and used for recreational activities; or

1 ~~(15)~~ ~~(14)~~ Any claim arising as a result of a special event during a  
2 period of time specified in a notice provided by a political subdivision  
3 pursuant to subsection (3) of section 39-1359.

4 Sec. 2. Original section 81-8,219, Revised Statutes Supplement,  
5 2017, is repealed.

**COMMITTEE REPORT(S)**

## Natural Resources

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

Douglas Zingula - Game and Parks Commission

Aye: 7 Albrecht, Bostelman, Geist, Hughes, Kolowski, McCollister, Quick.  
Nay: 0. Absent: 1 Walz. Present and not voting: 0.

(Signed) Dan Hughes, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 298.** Introduced by McCollister, 20.

WHEREAS, the Omaha Westside Warriors won the 2017-18 Girls' Metro Holiday Basketball Tournament; and

WHEREAS, the 73-49 victory over the Millard South Patriots earned the Warriors their third holiday championship and their first since the 2002-03 season; and

WHEREAS, the Warriors won four tournament games by an average of 28 points and handed two previously unbeaten metro teams their first losses of the season; and

WHEREAS, the Warriors brought great pride to their school, their district, their community, their friends and their families as they carried the momentum throughout the holiday tournament.

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

1. That the Legislature congratulates the Omaha Westside Warriors and Head Coach Steve Clark for winning the 2017-18 Girls' Metro Holiday Basketball Tournament.

2. That a copy of this resolution be sent to the team members and Coach Steve Clark.

Laid over.

**LEGISLATIVE RESOLUTION 299.** Introduced by Kolterman, 24.

WHEREAS, the York High School football team won the 2017 Class B State Football Championship; and

WHEREAS, this is the first state title for the York Dukes football program; and

WHEREAS, the Dukes shut out Omaha Skutt 31-0 in the championship game; and

WHEREAS, Coach Glen Snodgrass provided the leadership to cap a winning season with a state championship; and

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

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

1. That the Legislature congratulates the York High School football team on winning the Class B State Football Championship.
2. That a copy of this resolution be sent to York High School and Coach Glen Snodgrass.

Laid over.

**LEGISLATIVE RESOLUTION 300.** Introduced by Kolterman, 24.

WHEREAS, Jill Johnson from Seward High School has been named the 2018 Assistant Principal of the Year by the Nebraska State Association of Secondary School Principals; and

WHEREAS, Mrs. Johnson received a bachelor of arts degree in language arts education from the University of Nebraska at Kearney in 1991, a master's degree in instructional technology from Peru State College in 2000, and a master's degree in educational administration from Concordia University in Seward in 2017; and

WHEREAS, after seventeen years in the classroom and then working as a professional development consultant for ESU 6 in Milford and serving as an adjunct professor for Doane College and Southeast Community College, Mrs. Johnson has served as the assistant principal at Seward High School for the past two years; and

WHEREAS, Mrs. Johnson strives to bring energy and enthusiasm to everything she does, with an emphasis on highlighting the best in others.

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

1. That the Legislature congratulates Jill Johnson on being honored as the 2018 Assistant Principal of the Year.
2. That a copy of this resolution be sent to Jill Johnson at Seward High School.

Laid over.

#### **GENERAL FILE**

**LEGISLATIVE BILL 758.** Title read. Considered.

#### **SENATOR LINDSTROM PRESIDING**

Committee AM1573, found on page 382, was offered.

**SPEAKER SCHEER PRESIDING**

Senator Chambers offered the following amendment to the committee amendment:

FA92

Amend AM1573

Page 1, line 7 after "may" insert "not".

Pending.

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

Room 1507

Wednesday, January 31, 2018 1:30 p.m.

LB943

LB850

LB1128

(Signed) John Murante, Chairperson

**AMENDMENT(S) - Print in Journal**

Senators Lindstrom and Vargas filed the following amendment to LB548: AM1529 is available in the Bill Room.

Senator Linehan filed the following amendment to LB651: AM1590

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:  
3 Section 1. Sections 1 to 8 of this act shall be known and may be  
4 cited as the Nebraska Reading Improvement Act.  
5 Sec. 2. It is the intent of the Legislature that:  
6 (1) School boards develop policies to facilitate reading instruction  
7 and create intervention services to address student reading needs,  
8 including, but not limited to, dyslexia;  
9 (2) All teachers for kindergarten through grade three should be  
10 highly effective reading teachers as evidenced by (a) evaluations based  
11 on classroom observations and student improvement on reading assessments,  
12 (b) an endorsement related to reading instruction, or (c) specialized  
13 training in reading improvement;  
14 (3) Each student and his or her parents or guardians be informed of  
15 the student's reading progress; and  
16 (4) Each student in a public school be able to read at or above  
17 grade level by third grade.  
18 Sec. 3. (1) For the 2019-20 school year and each school year  
19 thereafter, each school district shall administer an approved reading  
20 assessment three times during such school year to all students in

21 kindergarten through grade three, except any student receiving  
22 specialized instruction for limited English proficiency who has been  
23 receiving such instruction for less than two years and any student  
24 receiving special education services for whom such assessment would  
25 conflict with the individualized education plan. The first administration  
26 of such assessment for each such school year shall occur within the first  
27 thirty days of the school year.

1 (2) For purposes of this section, an approved reading assessment  
2 means an assessment of student reading skills approved by the State  
3 Department of Education which:

4 (a) Measures progress toward proficiency in the reading skills  
5 assessed pursuant to subsection (5) of section 79-760.03 on the statewide  
6 assessment of reading for grade three;

7 (b) Is valid and reliable;

8 (c) Is aligned with academic content standards for reading adopted  
9 by either the board pursuant to section 79-760.01 or the school district  
10 administering such assessment pursuant to section 79-760.02; and

11 (d) Allows teachers access to results in a reasonable time period as  
12 established by the department, not to exceed fifteen working days.

13 (3) On or before March 1, 2019, and on or before each March 1  
14 thereafter, the board shall make public a list for the subsequent school  
15 year of approved reading assessments and the threshold level of  
16 performance for each such assessment below which a student will be  
17 identified as having a reading deficiency for purposes of the Nebraska  
18 Reading Improvement Act. The department shall make recommendations to  
19 school districts regarding commercially available reading assessments  
20 from which to choose.

21 (4) On or before March 1, 2019, and as needed thereafter, the  
22 department shall make public the threshold level of performance for the  
23 statewide assessment of reading administered pursuant to section  
24 79-760.03 for grade three below which a student will be identified as  
25 having a reading deficiency for purposes of the Nebraska Reading  
26 Improvement Act.

27 (5) Diagnostic assessments used within a supplemental reading  
28 intervention program do not require department approval.

29 Sec. 4. (1) Any student in kindergarten, grade one, grade two, or  
30 grade three shall be identified as having a reading deficiency if such  
31 student performs below the threshold level set pursuant to section 3 of  
1 this act on an approved reading assessment. A student who is identified  
2 as having a reading deficiency pursuant to this subsection shall remain  
3 identified as having a reading deficiency until the student performs at  
4 or above the threshold level on an approved reading assessment or at or  
5 above the threshold level on the statewide assessment of reading  
6 administered pursuant to section 79-760.03 for the grade level of such  
7 student.

8 (2) Any student in grade four or higher shall be identified as  
9 having a reading deficiency if such student performed below the threshold  
10 level established pursuant to section 3 of this act on the statewide  
11 assessment of reading administered pursuant to section 79-760.03 for the  
12 grade level of such student. A student who is identified as having a  
13 reading deficiency pursuant to this subsection shall remain identified as

14 having a reading deficiency until the student performs at or above the  
15 threshold level on a subsequent administration of the statewide  
16 assessment of reading administered pursuant to section 79-760.03 for the  
17 grade level of such student.

18 (3) Nothing in the Nebraska Reading Improvement Act shall prohibit a  
19 school district from identifying any other student as having a reading  
20 deficiency.

21 Sec. 5. Each school district shall provide a supplemental reading  
22 intervention program for the purpose of ensuring that students can read  
23 at or above grade level at the end of third grade. School districts may  
24 work collaboratively with educational service units, with learning  
25 communities, or through interlocal agreements to develop and provide such  
26 supplemental reading intervention programs. Each supplemental reading  
27 intervention program shall:

28 (1) Be provided to any student identified as having a reading  
29 deficiency;

30 (2) Be implemented during regular school hours in addition to  
31 regular reading instruction unless otherwise agreed to by a parent or  
1 guardian;

2 (3) Utilize reading intervention techniques that are based on  
3 scientific research;

4 (4) Administer diagnostic assessments to frequently monitor student  
5 progress throughout the school year and adjust instruction accordingly;

6 (5) Provide intensive development in phonemic awareness, phonics,  
7 fluency, vocabulary, and reading comprehension;

8 (6) Provide explicit and systematic instruction with detailed  
9 explanations, extensive opportunities for guided practice, and  
10 opportunities for error corrections and feedback;

11 (7) Provide daily targeted small-group reading intervention based on  
12 student needs as determined by diagnostic assessment data;

13 (8) Provide parents and guardians with strategies and resources to  
14 assist with reading skills at home, including parent training workshops  
15 and suggestions for parent-guided home reading;

16 (9) Encourage access to optional before-school or after-school  
17 supplemental reading intervention with a teacher or tutor who has  
18 specialized training in reading intervention; and

19 (10) Provide access, without charge, to a summer reading camp each  
20 summer with a minimum of sixty hours of instructional time in reading for  
21 any student who has been enrolled in grade one or higher and is  
22 identified as continuing to have a reading deficiency at the conclusion  
23 of the school year preceding such summer reading camp. Such summer  
24 reading camps can be held in conjunction with already existing summer  
25 reading programs.

26 Sec. 6. (1) The school of any student who is identified as having a  
27 reading deficiency shall notify such student's parents or guardians in  
28 writing no later than fifteen working days after the identification of  
29 the reading deficiency that the student has been identified as having a  
30 reading deficiency and that an individual reading improvement plan will  
31 be established and shared with parents or guardians.

1 (2) Any student who is identified as having a reading deficiency  
2 shall receive an individual reading improvement plan no later than thirty

3 days after the identification of such reading deficiency. The reading  
4 improvement plan may be created by the teacher, the principal, other  
5 pertinent school personnel, and the parents or guardians of the student  
6 and shall describe the reading intervention services the student will  
7 receive through the supplemental reading intervention program pursuant to  
8 section 5 of this act to remedy such reading deficiency. Each such  
9 student shall receive reading intervention services through the  
10 supplemental reading intervention program pursuant to section 5 of this  
11 act until the student is no longer identified as having a reading  
12 deficiency.  
13 Sec. 7. By September 1 of each year, each school board shall  
14 annually report in writing to the State Department of Education the  
15 following information on the prior school year:  
16 (1) By grade, the number and percentage of all students in  
17 kindergarten, first grade, second grade, and third grade who were  
18 identified as having a reading deficiency at the beginning of the school  
19 year and who were no longer identified as having a reading deficiency at  
20 the end of the school year; and  
21 (2) By grade, the number and percentage of all students in  
22 kindergarten, first grade, second grade, and third grade who were  
23 identified as having a reading deficiency as of the end of the school  
24 year.  
25 (3) Any report pursuant to this section shall comply with any  
26 standards used by the department to protect the individual identity of a  
27 student.  
28 Sec. 8. (1) The State Department of Education shall establish a  
29 uniform format for school districts to report the information required  
30 pursuant to section 7 of this act. The format shall be developed with  
31 input from school boards and shall be provided to each school district no  
1 later than ninety days prior to the annual due date.  
2 (2) The department shall annually compile the information submitted  
3 under section 7 of this act along with state-level summary information  
4 and report such information to the public, the Governor, and  
5 electronically to the Legislature on or before October 1 of each year.  
6 (3) The department shall provide technical assistance as needed to  
7 assist school boards in carrying out the Nebraska Reading Improvement  
8 Act.  
9 (4) The department may adopt and promulgate rules and regulations to  
10 carry out the act.

**MOTION(S) - Print in Journal**

Senator Chambers filed the following motion to LB758:  
MO184  
Indefinitely postpone.



**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 301.** Introduced by Hilgers, 21.

WHEREAS, Jack Niemann, a member of Troop 144 of Valparaiso, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Throughout his scouting experience, Jack has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 13 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Jack, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, including astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Jack Niemann on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Jack Niemann.

Laid over.

**MOTION(S) - Print in Journal**

Senator Wayne filed the following motion to LB1088:

MO185

Rerefer to Government, Military and Veterans Affairs.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Groene name added to LB758.

**VISITORS**

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

**ADJOURNMENT**

At 11:55 a.m., on a motion by Senator Quick, the Legislature adjourned until 9:00 a.m., Thursday, January 25, 2018.

Patrick J. O'Donnell  
Clerk of the Legislature