

**NINETEENTH DAY - FEBRUARY 1, 2018****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION****NINETEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 1, 2018

**PRAYER**

The prayer was offered by Reverend Darin Bentzinger, Panama Presbyterian Church, Panama.

**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 Brasch who was excused; and Senators Bolz, Hansen, Hilkemann, Krist, Kuehn, Larson, McCollister, Pansing Brooks, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighteenth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 256.** Placed on Select File with amendment.

ER104

- 1 1. In the Standing Committee amendments, AM452, on page 5, lines 12 and 14, strike "section" and insert "subsection".
- 3 2. On page 1, line 2, after "Act" insert "; and to provide a duty for the Revisor of Statutes".

**LEGISLATIVE BILL 157.** Placed on Select File.

**LEGISLATIVE BILL 480.** Placed on Select File with amendment.

ER105

- 1 1. On page 1 strike beginning with "provide" in line 1 through line 2 and insert "amend section 47-701, Reissue Revised Statutes of Nebraska;
- 3 to provide requirements relating to health insurance policies and
- 4 coverage for insureds in temporary jail custody; to harmonize provisions;
- 5 2. to provide a duty for the Revisor of Statutes; and to repeal the original
- 6 section."

(Signed) Anna Wishart, Chairperson

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 297, 298, 299, 300, and 301 were adopted.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 297, 298, 299, 300, and 301.

### GENERAL FILE

**LEGISLATIVE BILL 743.** Title read. Considered.

Senator Kolterman offered his amendment, AM1702, found on page 488.

The Kolterman amendment was adopted with 32 ayes, 0 nays, 5 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 1 present and not voting, and 12 excused and not voting.

**LEGISLATIVE BILL 757.** Title read. Considered.

### SENATOR WILLIAMS PRESIDING

Committee AM1648, found on page 469, was offered.

Senator Morfeld offered the following amendment to the committee amendment:

AM1689

(Amendments to Standing Committee amendments, AM1648)

1 1. Strike amendment 1 and insert the following new amendments:

2 1. Strike original section 6 and insert the following new sections:

3 Section 1. Section 8-2602, Revised Statutes Cumulative Supplement,  
4 2016, is amended to read:

5 8-2602 For purposes of the Credit Report Protection Act:

6 (1) Consumer reporting agency means any person which, for monetary

7 fees, for dues, or on a cooperative nonprofit basis, regularly engages in

8 whole or in part in the practice of assembling or evaluating consumer

9 credit information or other information on consumers for the purpose of

10 furnishing consumer reports to third parties and which uses any means or

11 facility of interstate commerce for the purpose of preparing or

12 furnishing consumer reports;

13 (2) Credit report has the same meaning as consumer report as defined

14 in 15 U.S.C. 1681a(d);

15 (3) File, when used in connection with information on any consumer

16 or protected consumer, means all of the information on that consumer or  
17 protected consumer recorded and retained by a consumer reporting agency  
18 regardless of how the information is stored. File does not include a  
19 record;

20 (4) Protected consumer means an individual who is (a) under sixteen  
21 years of age at the time a request for the placement of a security freeze  
22 is made or (b) an incapacitated person for whom a guardian or guardian ad  
23 litem has been appointed;

24 (5) Record means a compilation of information that (a) identifies a  
25 protected consumer, (b) is created by a consumer reporting agency solely  
26 for the purpose of complying with section 8-2603.01, and (c) may not be  
1 created or used to consider the protected consumer's credit worthiness,  
2 credit standing, credit capacity, character, general reputation, personal  
3 characteristics, or mode of living;

4 (6) Representative means a person who provides to a consumer  
5 reporting agency sufficient proof of authority to act on behalf of a  
6 protected consumer;

7 (7) Security freeze means:

8 (a) A notice placed in a consumer's file as provided in section  
9 8-2603 that prohibits the consumer reporting agency from releasing a  
10 credit report, or any other information derived from the file, in  
11 connection with the extension of credit or the opening of a new account,  
12 without the express authorization of the consumer;

13 (b) If a consumer reporting agency does not have a file pertaining  
14 to a protected consumer, a restriction that:

15 (i) Is placed on the protected consumer's record in accordance with  
16 section 8-2603.01; and

17 (ii) Prohibits the consumer reporting agency from releasing the  
18 protected consumer's record except as provided in the Credit Report  
19 Protection Act; or

20 (c) If a consumer reporting agency has a file pertaining to the  
21 protected consumer, a restriction that:

22 (i) Is placed on the protected consumer's credit report in  
23 accordance with section 8-2603.01; and

24 (ii) Prohibits the consumer reporting agency from releasing the  
25 protected consumer's credit report or any information derived from the  
26 protected consumer's credit report except as provided in section  
27 8-2608.01;

28 (8) Substantially similar type of security product means any product  
29 that provides the same level of protection to a consumer's or protected  
30 consumer's credit report as that provided under the Credit Report  
31 Protection Act regardless of the contact method used by a consumer or  
1 protected consumer to request, temporarily lift, or remove a restriction  
2 placed on the consumer's or protected consumer's credit report;

3 ~~(9)~~ (8) Sufficient proof of authority means documentation that shows  
4 a representative has authority to act on behalf of a protected consumer.  
5 Sufficient proof of authority includes, but is not limited to, an order  
6 issued by a court of law, a lawfully executed and valid power of  
7 attorney, or a written notarized statement signed by a representative

8 that expressly describes the authority of the representative to act on  
 9 behalf of a protected consumer. A representative who is a parent may  
 10 establish sufficient proof of authority by providing a certified or  
 11 official copy of the protected consumer's birth certificate;  
 12 ~~(10) (9)~~ Sufficient proof of identification means information or  
 13 documentation that identifies a consumer, a protected consumer, or a  
 14 representative of a protected consumer. Sufficient proof of  
 15 identification includes, but is not limited to, a social security number  
 16 or a copy of a social security card, a certified or official copy of a  
 17 birth certificate, a copy of a valid driver's license, or any other  
 18 government-issued identification; and  
 19 ~~(11) (10)~~ Victim of identity theft means a consumer or protected  
 20 consumer who has a copy of an official police report evidencing that the  
 21 consumer or protected consumer has alleged to be a victim of identity  
 22 theft.

23 Sec. 7. (1) To protect personal information from unauthorized  
 24 access, acquisition, destruction, use, modification, or disclosure, an  
 25 individual or a commercial entity that conducts business in Nebraska and  
 26 owns, licenses, or maintains data that includes personal information  
 27 about a resident of Nebraska shall implement and maintain reasonable  
 28 security procedures and practices that are appropriate to the nature and  
 29 sensitivity of the personal information owned, licensed, or maintained  
 30 and the nature and size of the business and its operations, including  
 31 safeguards that protect the personal information when the individual or  
 1 commercial entity disposes of the personal information.

2 (2) An individual or commercial entity that discloses personal  
 3 information about a Nebraska resident to a nonaffiliated, third-party  
 4 service provider shall require by contract that the service provider  
 5 implement and maintain reasonable security procedures and practices that:

6 (a) Are appropriate to the nature of the personal information  
 7 disclosed to the service provider; and  
 8 (b) Are reasonably designed to help protect the personal information  
 9 from unauthorized access, acquisition, destruction, use, modification, or  
 10 disclosure.

11 (3) An individual or a commercial entity complies with subsections  
 12 (1) and (2) of this section if the individual or commercial entity:  
 13 (a) Complies with a state or federal law that provides greater  
 14 protection to personal information than the protections that this section  
 15 provides; or  
 16 (b) Complies with the regulations promulgated under Title V of the  
 17 Gramm-Leach-Bliley Act, 15 U.S.C. 6801 et seq., or the Health Insurance  
 18 Portability and Accountability Act of 1996, 42 U.S.C. 1320d to 1320d-9,  
 19 as such act and sections existed on January 1, 2018, if the individual or  
 20 commercial entity is subject to either or both of such act or sections.

21 2. On page 3, line 25, after the period insert "This subsection does  
 22 not apply if the substantially similar type of security product, alone or  
 23 in combination with another product, provides greater protection to the  
 24 consumer than a security freeze.".

25 3. On page 4, line 8, after the period insert "This section does not

26 apply if the substantially similar type of security product, alone or in  
27 combination with another product, provides greater protection to the  
28 protected consumer than a security freeze."; and in line 22 strike "6"  
29 and insert "7".

30 4. On page 5, line 29, strike "6" and insert "7".

31 5. On page 6, line 3, after "sections" insert "8-2602,".

1 6. Renumber the remaining sections accordingly.

The Morfeld amendment was adopted with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

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

Executive Board

Room 2102

Thursday, February 8, 2018 12:00 p.m.

LB1053

LB1099

Monday, February 12, 2018 12:00 p.m.

LB1078

LR288

Wednesday, February 14, 2018 12:00 p.m.

LR277

LR286

Wednesday, February 21, 2018 12:00 p.m.

LR295CA

LR296

(Signed) Dan Watermeier, Chairperson

### **ANNOUNCEMENT(S)**

The Legislative Performance Audit Committee designates LB936 as its priority bill.

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

Senator Brewer filed the following amendment to LB1054:  
AM1727

- 1 1. Strike original section 2.
- 2 2. Renumber the remaining section and correct the repealer
- 3 accordingly.

**MOTION(S) - Withdraw LB821**

Senator Hughes offered his motion, MO195, found on page 486, to withdraw LB821.

**SPEAKER SCHEER PRESIDING**

The Hughes motion to withdraw the bill prevailed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 51.** Considered.

**SENATOR HUGHES PRESIDING**

Senator Schumacher offered the following motion:  
MO196  
Indefinitely postpone.

Senator Chambers offered the following motion:  
MO197  
Bracket until April 18, 2018.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

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

Voting in the affirmative, 26:

Baker	Kolowski	McCollister	Scheer	Williams
Clements	Kolterman	McDonnell	Stinner	Wishart
Erdman	Krist	Morfeld	Thibodeau	
Hansen	Kuehn	Murante	Vargas	
Hilgers	Lindstrom	Pansing Brooks	Watermeier	
Hughes	Linehan	Riepe	Wayne	

Voting in the negative, 14:

Albrecht	Bostelman	Crawford	Halloran	Schumacher
Blood	Brewer	Friesen	Hilkemann	Walz
Bolz	Briese	Geist	Lowe	

Present and not voting, 3:

Chambers	Quick	Smith
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Excused and not voting, 6:

Brasch	Groene	Howard
Ebke	Harr	Larson

The Chambers motion to bracket prevailed with 26 ayes, 14 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

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

Revenue

Room 1524

Thursday, February 8, 2018 1:30 p.m.

LB976  
LB1084  
LB919

(Signed) Jim Smith, Chairperson

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 308.** Introduced by Pansing Brooks, 28.

WHEREAS, the National Education Policy Center recognizes a small number of schools each year as Schools of Opportunity; and

WHEREAS, Lincoln High School was recognized as one of only eight Schools of Opportunity across the country this year; and

WHEREAS, Lincoln High School creates and maintains a healthy school culture, using multiple measures to assess student learning and to provide more and better learning time; and

WHEREAS, Lincoln High School provides rich, supportive opportunities for students with special needs, while broadening and enriching learning opportunities for all students; and

WHEREAS, Lincoln High School supports teachers as professionals and enacts a challenging and supported culturally-relevant curriculum; and

WHEREAS, Lincoln High School builds on the strengths of language-minority students and sustains equitable and meaningful parent and community engagement; and

WHEREAS, this distinction serves as a testament to the outstanding work of the educators, administrators, and students at Lincoln High School.

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

1. That the Legislature congratulates the educators, administrators, and students of Lincoln High School on being named one of eight Schools of Opportunity nationwide for creating rich learning experiences for all students, where diversity and unity drive a culture of support and academic challenge in a school where everyone finds a place to belong.

2. That a copy of this resolution be sent to Lincoln Public Schools Superintendent Dr. Steve Joel and Principal Mark Larson.

Laid over.

**LEGISLATIVE RESOLUTION 309.** Introduced by Hughes, 44.

WHEREAS, Bill Cotton will be posthumously inducted into the Nebraska Baseball Hall of Fame on February 11, 2018; and

WHEREAS, Bill was born on October 20, 1947, to Thomas and Anne Cotton of McCook; and

WHEREAS, Bill made the Legion team at the age of 12 but was not allowed to play because of his youth. Bill later earned honors as an all star catcher on the North Platte team; and

WHEREAS, Bill chose to play baseball for college powerhouse Arizona State University, despite being selected in the fourth round of the major league draft right out of high school and being recruited by Bob Devaney to play football for the Cornhuskers; and

WHEREAS, the All-American catcher hit a three-run homer to help the Sun Devils win the national championship in the 1969 College World Series in Omaha; and

WHEREAS, Bill was chosen by the New York Mets in the first round of the 1969 supplemental draft and played six seasons in the minor leagues for teams in Iowa, Florida, California, Tennessee, and Virginia; and

WHEREAS, the Nebraska Baseball Hall of Fame recognizes baseball players for outstanding play in the towns and villages across Nebraska.

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

1. That the Legislature congratulates the family of Bill Cotton on his induction into the Nebraska Baseball Hall of Fame.

2. That a copy of this resolution be sent to Tom Cotton in honor of his brother and to the Nebraska Baseball Hall of Fame.

Laid over.



**MOTION(S) - Unbracket LB51**

Senator Chambers offered the following motion to LB51:  
 MO199  
 Unbracket the bill.

**SPEAKER SCHEER PRESIDING**

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

Senator Chambers requested a roll call vote, in reverse order, on the motion to unbracket.

Voting in the affirmative, 4:

Blood	Chambers	Lowe	Schumacher
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Voting in the negative, 28:

Albrecht	Crawford	Kolterman	Morfeld	Thibodeau
Baker	Geist	Krist	Murante	Vargas
Bostelman	Hansen	Kuehn	Pansing Brooks	Walz
Brewer	Hilgers	Lindstrom	Quick	Wishart
Briese	Hilkemann	Linehan	Riepe	
Clements	Hughes	McDonnell	Scheer	

Present and not voting, 8:

Bolz	Friesen	McCollister	Wayne
Ebke	Kolowski	Stinner	Williams

Excused and not voting, 9:

Brasch	Groene	Harr	Larson	Watermeier
Erdman	Halloran	Howard	Smith	

The Chambers motion to unbracket failed with 4 ayes, 28 nays, 8 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

**NOTICE OF COMMITTEE HEARING(S)**  
 Transportation and Telecommunications

Room 1113

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

Barbara J. Keegan - Board of Public Roads Classifications and Standards  
 LB1136

LB1011  
LB1049  
LB1080  
LB1092

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

LB1063  
LB989  
LB1122  
LB1043  
LB1031

Room 2102

Thursday, February 15, 2018 1:00 p.m.

James Litchfield - Board of Public Roads Classifications and Standards  
Edward R. Wootton Sr. - Board of Public Roads Classifications and Standards

(Signed) Curt Friesen, Chairperson

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

Senator Friesen filed the following amendment to LB479:  
AM1631

(Amendments to Standing Committee amendments, AM35)

1 1. On page 1, line 2, after the semicolon insert "in line 19 after  
2 'make' insert 'at least three';"

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

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

Senator Brewer name added to LB109.  
Senator Bolz name added to LB211.  
Senator Briese name added to LB694.  
Senator Hansen name added to LB695.  
Senator Briese name added to LB695.  
Senator Watermeier name added to LB729.  
Senator Hansen name added to LB1001.

**VISITORS**

Visitors to the Chamber were John Hanson from McCook; and 25 members of the Boards of Governors of Western, Mid Plains, Central, Northeast, and Southeast Community Colleges.

The Doctor of the Day was Dr. Dale Michels from Walton.

**ADJOURNMENT**

At 11:49 a.m., on a motion by Senator Bolz, the Legislature adjourned until 9:00 a.m., Friday, February 2, 2018.

Patrick J. O'Donnell  
Clerk of the Legislature

