

**FORTY-SECOND DAY - MARCH 13, 2018****LEGISLATIVE JOURNAL****ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION****FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 13, 2018

**PRAYER**

The prayer was offered by Pastor Tom Starkjohn, Louisville Evangelical Free Church, Louisville.

**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 Groene, Hansen, Kolterman, Krist, Larson, Linehan, Thibodeau, Watermeier, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-first day was approved.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 335, 336, 337, and 338 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 335, 336, 337, and 338.

**GENERAL FILE**

**LEGISLATIVE BILL 946.** Title read. Considered.

Committee AM1701, found on page 893, was offered.

Senator Chambers withdrew his amendment, AM2368, found on page 919.

Senator Chambers offered the following motion:

MO254

Bracket until April 18, 2018.

Senator Chambers moved for a call of the house. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

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

Voting in the affirmative, 2:

Erdman          Wayne

Voting in the negative, 41:

Albrecht	Crawford	Hilkemann	Morfeld	Vargas
Baker	Ebke	Howard	Murante	Walz
Blood	Friesen	Hughes	Quick	Watermeier
Bolz	Geist	Kolowski	Riepe	Williams
Bostelman	Groene	Kolterman	Scheer	Wishart
Brasch	Halloran	Kuehn	Schumacher	
Brewer	Hansen	Linehan	Smith	
Briese	Harr	Lowe	Stinner	
Clements	Hilgers	McCollister	Thibodeau	

Present and not voting, 3:

Chambers      Krist              Pansing Brooks

Excused and not voting, 3:

Larson          Lindstrom      McDonnell

The Chambers motion to bracket failed with 2 ayes, 41 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO255

Reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 9 ayes, 3 nays, and 37 not voting.

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

Voting in the affirmative, 3:

Chambers Erdman Wayne

Voting in the negative, 42:

Albrecht	Crawford	Hilkemann	Lowe	Stinner
Baker	Ebke	Howard	McCollister	Thibodeau
Blood	Friesen	Hughes	McDonnell	Vargas
Bolz	Geist	Kolowski	Morfeld	Walz
Bostelman	Groene	Kolterman	Murante	Williams
Brasch	Halloran	Kuehn	Pansing Brooks	Wishart
Brewer	Hansen	Larson	Quick	
Briese	Harr	Lindstrom	Riepe	
Clements	Hilgers	Linehan	Smith	

Present and not voting, 2:

Krist Schumacher

Excused and not voting, 2:

Scheer Watermeier

The Chambers motion to reconsider failed with 3 ayes, 42 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers requested a roll call vote on the committee amendment.

The committee amendment was adopted with 37 ayes, 9 nays, 2 present and not voting, and 1 excused and not voting.

Pending.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 346.** Introduced by McDonnell, 5.

WHEREAS, on March 15, 2002, the Honorable Timmy Conway, as Lord Mayor of Naas, County Kildare, Ireland, oversaw the successful twinning of Naas and Omaha as sister cities in partnership with Omaha Mayor Mike Fahey; and

WHEREAS, in 2018, the Honorable Timmy Conway has returned to Nebraska, with his grandson Tadhg, to celebrate the success of the Omaha-Naas sister city relationship with his many friends in Nebraska; and

WHEREAS, the Honorable Timmy Conway has served with distinction as a seanadóir (senator) in the Seanad Éireann (Senate of Ireland); and

WHEREAS, the Honorable Timmy Conway has also served with distinction as Chair of the Kildare County Council; and

WHEREAS, the Honorable Timmy Conway has served as a gracious host to countless Nebraskans travelling to Naas, including several members of the Nebraska Unicameral Legislature; and

WHEREAS, the Honorable Timmy Conway has facilitated numerous official tours, cultural conferences, and trade missions with a wide array of Nebraska groups, governmental subdivisions, educational institutions, and businesses; and

WHEREAS, the Honorable Timmy Conway has been awarded the Key to the City of Omaha, honorary Nebraska citizenship, and numerous other honors in recognition of his tireless work to foster close, friendly, and productive personal, professional, and governmental ties between Ireland and Nebraska.

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

1. That the Legislature welcomes Nebraska's adopted son, the Honorable Timmy Conway, back to our great state.
2. That the Legislature recognizes Saturday, March 17, 2018, as Timmy Conway Day in the State of Nebraska.

Laid over.

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

Senator Friesen filed the following amendment to LB993:  
AM2385

(Amendments to Standing Committee amendments, AM1908)

- 1 1. On page 10, strike beginning with "pursuant" in line 30 through  
2 line 31.
- 3 2. On page 11, line 1, strike "regulation".

#### **COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 694.** Placed on General File.

**LEGISLATIVE BILL 749.** Placed on General File.

**LEGISLATIVE BILL 786.** Placed on General File.

(Signed) John Murante, Chairperson

#### **GENERAL FILE**

**LEGISLATIVE BILL 946.** Senator Chambers offered the following motion:

MO257

Indefinitely postpone.

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 8 nays, and 29 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 43:

Albrecht	Crawford	Hilkemann	McCollister	Stinner
Baker	Ebke	Howard	McDonnell	Thibodeau
Blood	Friesen	Hughes	Morfeld	Vargas
Bolz	Geist	Kolowski	Murante	Walz
Bostelman	Groene	Kolterman	Pansing Brooks	Wayne
Brasch	Halloran	Kuehn	Quick	Williams
Brewer	Hansen	Lindstrom	Scheer	Wishart
Briese	Harr	Linehan	Schumacher	
Clements	Hilgers	Lowe	Smith	

Present and not voting, 3:

Chambers      Erdman      Krist

Absent and not voting, 1:

Riepe

Excused and not voting, 2:

Larson      Watermeier

The Chambers motion to indefinitely postpone failed with 0 ayes, 43 nays, 3 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO258

Reconsider the vote taken to indefinitely postpone.

Senator Scheer moved for a call of the house. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

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

Voting in the affirmative, 16:

Baker	Ebke	Howard	Murante
Brasch	Erdman	Kolowski	Pansing Brooks
Chambers	Harr	Lindstrom	Riepe
Crawford	Hilkemann	McCollister	Schumacher

Voting in the negative, 30:

Albrecht	Clements	Hilgers	McDonnell	Vargas
Blood	Friesen	Hughes	Morfeld	Walz
Bolz	Geist	Kolterman	Quick	Watermeier
Bostelman	Groene	Kuehn	Scheer	Wayne
Brewer	Halloran	Linehan	Stinner	Williams
Briese	Hansen	Lowe	Thibodeau	Wishart

Present and not voting, 1:

Krist

Absent and not voting, 1:

Smith

Excused and not voting, 1:

Larson

The Chambers motion to reconsider failed with 16 ayes, 30 nays, 1 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 34 ayes, 9 nays, 5 present and not voting, and 1 excused and not voting.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 347.** Introduced by Brasch, 16; Albrecht, 17; Baker, 30; Bolz, 29; Bostelman, 23; Brewer, 43; Briese, 41; Clements, 2; Crawford, 45; Ebke, 32; Erdman, 47; Friesen, 34; Geist, 25; Groene, 42; Halloran, 33; Hansen, 26; Harr, 8; Hilgers, 21; Hilkemann, 4; Howard, 9; Hughes, 44; Kolowski, 31; Kolterman, 24; Krist, 10; Kuehn, 38; Larson, 40; Lindstrom, 18; Linehan, 39; Lowe, 37; McCollister, 20; McDonnell, 5; Morfeld, 46; Murante, 49; Pansing Brooks, 28; Quick, 35; Riepe, 12; Scheer, 19; Schumacher, 22; Smith, 14; Stinner, 48; Thibodeau, 6; Vargas, 7; Walz, 15; Watermeier, 1; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, Charles (Charley) Thone was elected to represent the 1st District of Nebraska in the United States House of Representatives in 1970,

and after serving four terms in the House, he was elected Governor of Nebraska in 1978; and

WHEREAS, Charley Thone grew up on a farm near Hartington, served in the U.S. Army during World War II, and graduated from the University of Nebraska College of Law in 1950; and

WHEREAS, Charley Thone began his career as a Deputy Secretary of State, moving on to become an Assistant Attorney General and Assistant United States Attorney, and then went to work in the office of U.S. Senator Roman Hruska before taking on the role of chairman of the Nebraska Republican Party; and

WHEREAS, in addition to championing the interests of farmers and ranchers, Congressman Thone participated in the House Select Committee on Assassinations, where he helped to investigate the assassination of President John F. Kennedy, and was described by CBS News anchor Walter Cronkite as "the conscience of the committee" for insisting on open meetings; and

WHEREAS, while a national recession dominated his time in office, Governor Thone remained focused on education, agricultural marketing, and economic development; and

WHEREAS, Charley Thone embraced private life at the end of his service as Governor, practicing law in Lincoln and engaging in the life of his community. As a private citizen, he gained bipartisan support for establishing the Nebraska Court of Appeals and pushed to have state lottery funds redirected to the Nebraska State Fair; and

WHEREAS, Charley Thone met Ruth (Ruthie) Raymond during an interview while she was the editor of the University of Nebraska's student newspaper in 1952. They were married on August 16, 1953, and had three daughters; and

WHEREAS, Charley Thone passed away on Wednesday, March 7, 2018, at the age of 94.

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

1. That the Legislature honors Charley Thone for his service to his state and to his country.
2. That the Legislature extends deep sympathy to former First Lady Ruth Thone and the family of Charley Thone.
3. That a copy of this resolution be sent to the family of Charley Thone.

Laid over.

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

Senator Groene filed the following amendment to LB776:

AM2373

1. Strike the original sections and all amendments thereto and
2. insert the following new sections:
3. Section 1. Section 47-101, Reissue Revised Statutes of Nebraska, is
4. amended to read:

5 47-101 The Jail Standards Board shall, each January, and at such  
6 other time or times from time to time as it may deem necessary,  
7 prescribe, in writing, rules for the regulation and government of the  
8 jails upon the following subjects: (1) The cleanliness of the jail and  
9 prisoners; (2) the classification of prisoners in regard to sex, age, and  
10 crime, and also persons with physical or mental disabilities; (3) beds,  
11 ~~and~~ clothing, and diet; (4) warming, lighting, and ventilation of the  
12 jail; (5) the employment of medical and surgical aid when necessary; (6)  
13 employment, temperance, and instruction of the prisoners; (7) the  
14 supplying of each prisoner with a Bible or other written religious  
15 material; (8) the intercourse between prisoners and their counsel and  
16 other persons including access to telephones or videoconferencing as  
17 required in section 2 of this act; (9) the discipline of prisoners for  
18 violation of the rules of the jail; and (10) such other matters as the  
19 board may deem necessary to promote the welfare of the prisoners.

20 Sec. 2. (1) Each county jail shall make available either a prepaid  
21 telephone call system or collect telephone call system, or a combination  
22 thereof, for telephone services for inmates. Under either system, the  
23 provision of inmate telephone services shall be subject to the  
24 requirements of this section.

25 (2) Under a prepaid system, funds may be deposited into an inmate  
26 account in order to pay for telephone calls. The provider of the inmate  
27 telephone services, as an additional means of payment, shall permit the  
1 recipient of inmate collect telephone calls to establish an account with  
2 that provider in order to deposit funds for advance payment of those  
3 collect telephone calls. The provider of the inmate telephone services  
4 shall also allow inmates to communicate on the telephone, or by  
5 videoconferencing, with an attorney or attorneys without charge and  
6 without monitoring or recording by the county jail or law enforcement.

7 (3) A county operating a county jail may receive revenue for the  
8 reasonable operating costs for establishing and administering such  
9 telephone services system or videoconferencing system. In determining the  
10 amount of such reasonable operating costs, the Jail Standards Board may  
11 consider for comparative purposes the rates for inmate calling services  
12 provided in 47 C.F.R. part 64. A county operating a county jail may also  
13 receive a reasonable commission or bonus payment for contracting with an  
14 entity that provides such service.

15 (4) Nothing in this section shall require a county jail to provide  
16 or administer a prepaid telephone call system.

17 (5) For the purposes of this section, collect telephone call system  
18 means a system pursuant to which recipients are billed for the cost of an  
19 accepted telephone call initiated by an inmate.

20 Sec. 3. The Jail Standards Board shall ensure that county jails are  
21 providing inmates with means to communicate by telephone or  
22 videoconferencing with inmates' families, loved ones, and counsel.

23 Sec. 4. Section 47-108, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 47-108 It shall be the duty of the district court in its charge to  
26 the grand jury to inform the jury of the provisions of sections 47-101 to



27 47-116 and sections 2 and 3 of this act and all rules, plans, or  
28 regulations established by the Jail Standards Board relating to county  
29 jails and prison discipline.

30 Sec. 5. Section 47-109, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1 47-109 The grand jury of each county in this state may, while in  
2 attendance, visit the jail, examine its state and condition, and examine  
3 and inquire into the discipline and treatment of prisoners, their habits,  
4 diet, and accommodations. If the grand jury visits a jail, it shall be  
5 its duty to report to the court in writing, whether the rules of the Jail  
6 Standards Board have been faithfully kept and observed, or whether any of  
7 the provisions of sections 47-101 to 47-116 and sections 2 and 3 of this  
8 act, have been violated, pointing out particularly in what the violation,  
9 if any, consists. It shall also be the duty of the county board of each  
10 county of this state to visit the jail of its county once during each of  
11 its sessions in January, April, July, and October of each year.

12 Sec. 6. Section 47-116, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 47-116 If the sheriff or jailer, having charge of any county jail,  
15 shall neglect or refuse to conform to all or any of the rules and  
16 regulations established by the Jail Standards Board, or to perform any  
17 other duty required of him or her by sections 47-101 to 47-116 and  
18 sections 2 and 3 of this act, he or she shall, upon conviction thereof  
19 for each case of such failure or neglect of duty, pay into the county  
20 treasury of the proper county for the use of such county a fine of not  
21 less than five dollars nor more than one hundred dollars, to be assessed  
22 by the district court of the proper district.

23 Sec. 7. Section 47-201, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 47-201 The Jail Standards Board shall, ~~each in the month of~~ January  
26 ~~of each year~~, and at such other time or times as it may deem necessary,  
27 prescribe written rules for the regulation and government of the  
28 municipal jails upon the subjects of (1) the cleanliness of the jail and  
29 prisoners, (2) the classification of prisoners in regard to sex, age,  
30 crime, and also persons with physical or mental disabilities ~~mental~~  
31 ~~infirmity~~, (3) beds, clothing, and diet, (4) warming, lighting, and  
1 ventilation ~~ventilating~~ of the jail, (5) the employment of medical and  
2 surgical aid, (6) the employment, temperance, and instruction of the  
3 prisoners, (7) the intercourse between prisoners and their attorneys and  
4 other persons, including access to telephones or videoconferencing as  
5 required by section 8 of this act, (8) the discipline of prisoners, (9)  
6 the keeping of records of the jail, and (10) any other matters concerning  
7 jails and their government as the board may deem necessary.

8 Sec. 8. (1) Each city jail shall make available either a prepaid  
9 telephone call system or collect telephone call system, or a combination  
10 thereof, for telephone services for inmates. Under either system, the  
11 provision of inmate telephone services shall be subject to the  
12 requirements of this section.

13 (2) Under a prepaid system, funds may be deposited into an inmate

14 account in order to pay for telephone calls. The provider of the inmate  
 15 telephone services, as an additional means of payment, shall permit the  
 16 recipient of inmate collect telephone calls to establish an account with  
 17 that provider in order to deposit funds for advance payment of those  
 18 collect telephone calls. The provider of the inmate telephone services  
 19 shall also allow inmates to communicate on the telephone, or by  
 20 videoconferencing, with an attorney or attorneys without charge and  
 21 without monitoring or recording by the city jail or law enforcement.  
 22 (3) A city operating a city jail may receive revenue for the  
 23 reasonable operating costs for establishing and administering such  
 24 telephone services system or videoconferencing system. In determining the  
 25 amount of such reasonable operating costs, the Jail Standards Board may  
 26 consider for comparative purposes the rates for inmate calling services  
 27 provided in 47 C.F.R. part 64. A city operating a city jail may also  
 28 receive a reasonable commission or bonus payment for contracting with an  
 29 entity that provides such service.  
 30 (4) Nothing in this section shall require a city jail to provide or  
 31 administer a prepaid telephone call system.  
 1 (5) For the purposes of this section, collect telephone call system  
 2 means a system pursuant to which recipients are billed for the cost of an  
 3 accepted telephone call initiated by an inmate.  
 4 Sec. 9. The Jail Standards Board shall ensure that city jails are  
 5 providing inmates with means to communicate by telephone or  
 6 videoconferencing with inmates' families, loved ones, and counsel.  
 7 Sec. 10. Section 47-206, Reissue Revised Statutes of Nebraska, is  
 8 amended to read:  
 9 47-206 The officer in charge of any municipal prison or jail who  
 10 fails to comply with the provisions of sections 47-201 to 47-205 and  
 11 sections 8 and 9 of this act or the rules prescribed by the Jail  
 12 Standards Board shall be guilty of a Class V misdemeanor.  
 13 Sec. 11. Original sections 47-101, 47-108, 47-109, 47-116, 47-201,  
 14 and 47-206, Reissue Revised Statutes of Nebraska, are repealed.

### VISITORS

Visitors to the Chamber were County Councilman, Lennie Meyn, from Wolfenbuettel, Germany; members of Girl Scouts Spirit of Nebraska from Lincoln, Omaha, Fremont, and Kearney; 19 high school students from Madison; 50 fourth-grade students from Cottonwood Elementary, Millard; and John Hawkins from Gretna.

### RECESS

At 11:53 a.m., on a motion by Senator Ebke, 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 Groene, Krist, Morfeld, Pansing Brooks, and Watermeier who were excused until they arrive.

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 1030.** Placed on General File.

(Signed) Jim Smith, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 945.** Title read. Considered.

Committee AM1700, found on page 895, was offered.

Senator Stinner offered the Krist amendment, AM2288, found on page 912, to the committee amendment.

Senator Krist moved for a call of the house. The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

Senator Krist requested a record vote on his amendment.

Voting in the affirmative, 25:

Albrecht	Crawford	Hilkemann	McCollister	Thibodeau
Baker	Ebke	Howard	McDonnell	Vargas
Bolz	Halloran	Kolowski	Pansing Brooks	Walz
Briese	Hansen	Kolterman	Quick	Williams
Chambers	Harr	Krist	Stinner	Wishart

Voting in the negative, 13:

Blood	Clements	Hughes	Lowe	Smith
Bostelman	Groene	Kuehn	Murante	
Brewer	Hilgers	Larson	Riepe	

Present and not voting, 9:

Erdman	Geist	Linehan	Scheer	Wayne
Friesen	Lindstrom	Morfeld	Schumacher	

Excused and not voting, 2:

Brasch	Watermeier
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The Krist amendment was adopted with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The committee amendment, as amended, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 8 nays, 4 present and not voting, and 2 excused and not voting.

#### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1090A.** Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1090, One Hundred Fifth Legislature, Second Session, 2018.

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

Senator Chambers filed the following amendment to LB702:  
AM2244

(Amendments to Standing Committee amendments, AM1887)

- 1 1. On page 5, line 14, after "notice" insert "by first class mail";
- 2 and in line 16 after the period insert "Such notice shall be sent to the
- 3 incarcerated parent at the address of the facility at which the parent is
- 4 incarcerated.".

#### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 348.** Introduced by Harr, 8; Hilgers, 21; Krist, 10; McDonnell, 5; Scheer, 19; Thibodeau, 6.

WHEREAS, the Omaha Creighton Prep High School basketball team won the 2018 Class A Boys' State Basketball Championship; and

WHEREAS, the win gave the Creighton Prep Junior Jays their second state championship in four years and their thirteenth title overall; and

WHEREAS, the Junior Jays finished the season with twenty-six wins and only one loss; and

WHEREAS, Coach Josh Luedtke, Class of 1990, did a tremendous job of guiding the team during the season and earned his third championship title as a coach; 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 Omaha Creighton Prep High School basketball team on winning the 2018 Class A Boys' State Basketball Championship.

2. That copies of this resolution be sent to the Omaha Creighton Prep High School basketball team and to Coach Josh Luedtke.

Laid over.

**COMMITTEE REPORT(S)**  
Education

**LEGISLATIVE BILL 1052.** Placed on General File.

**LEGISLATIVE BILL 1110.** Placed on General File.

**LEGISLATIVE BILL 778.** Placed on General File with amendment.  
AM2098

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

2 sections:

3 Section 1. Section 79-1082, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 79-1082 The aggregate school tax for a Class V school district,  
6 including the levy for the site and building fund as authorized by  
7 section ~~79-10,120~~ ~~79-10,126~~, shall be subject to the limits provided in  
8 section 77-3442.

9 Sec. 2. Section 79-1098, Reissue Revised Statutes of Nebraska, is

10 amended to read:

11 79-1098 Except as otherwise provided in sections 10-701 to  
12 10-716.01 for the issuance of bonds, whenever the annual levy authorized  
13 pursuant to section 79-10,120 ~~Whenever it is deemed insufficient for the~~  
14 ~~purposes authorized in such section, necessary (1) to erect a schoolhouse~~  
15 ~~or school building or an addition or additions and improvements to any~~  
16 ~~existing schoolhouse or (2) to purchase equipment for such schoolhouse or~~  
17 ~~school buildings, in any school district in this state except a Class I~~  
18 ~~district the school board or board of education of a Class II, III, IV,~~  
19 ~~V, or VI school district may and, upon petition of not less than one-~~  
20 ~~fourth of the legal voters of the school district, shall submit to the~~  
21 ~~people of the school district at the next general election, or at a~~  
22 ~~special election held for such purpose, a proposition to vote on a~~  
23 ~~special annual tax. Such annual tax, when combined with any annual tax~~  
24 ~~imposed pursuant to section 79-10,120, shall for that purpose of not to~~  
25 ~~exceed fourteen seventeen and five tenths cents on each one hundred~~  
26 ~~dollars of upon the taxable value and shall not exceed of all the taxable~~  
27 ~~property in such district for a term of not to exceed ten years. Such~~  
1 ~~special tax may be voted at any annual or special meeting of the district~~  
2 ~~by fifty five percent of the legal voters attending such meeting.~~

3 Sec. 3. Section 79-10,100, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 79-10,100 The school board or board of education, upon being

6 satisfied that all the requirements of ~~section sections~~ 79-1098 and  
 7 ~~79-1099~~ have been substantially complied with and that a majority  ~~fifty-~~  
 8  ~~five percent~~ of all votes cast at the election under such section  
 9  ~~sections~~ are in favor of such tax, shall enter such proposition and all  
 10 the proceedings had thereon upon the records of the school district and  
 11 shall certify the special tax levy to the county clerk in the same manner  
 12 as other tax levies.

13 Sec. 4. Section 79-10,101, Reissue Revised Statutes of Nebraska, is  
 14 amended to read:

15 79-10,101 The sum levied and collected under section 79-10,100 shall  
 16 (1) constitute a special fund for the purposes for which it was voted,  
 17 (2) not be used for any other purpose ~~unless otherwise authorized by a~~  
 18  ~~fifty five percent majority vote of the legal voters of the school~~  
 19  ~~district cast at the election under sections 79-1098 and 79-1099,~~ (3) be  
 20 paid over to the county treasurer of the county in which the  
 21 administrative office of such school district is located, (4) except as  
 22 provided in subsection (4) of section 79-10,120, be kept by the county  
 23 treasurer and treasurer of the school district separate and apart from  
 24 other district funds, and (5) be subject to withdrawal as provided in  
 25 section 79-587 or, for Class V school districts, section 79-584. ~~Any~~  
 26 ~~portion of such sum so levied and collected, the expenditure of which is~~  
 27 ~~not required to effectuate the purposes for which such sum was voted, may~~  
 28 ~~be transferred by the school board, at any regular or special meeting by~~  
 29 ~~the vote of a majority of the members attending, to the general fund of~~  
 30 ~~the district.~~ All funds received by the district treasurer for such  
 31 purpose shall be immediately invested by such treasurer in United States  
 1 Government bonds or in such securities in which the state investment  
 2 officer may invest the permanent school funds during the accumulation of  
 3 such sinking fund.

4 Sec. 5. Section 79-10,120, Revised Statutes Cumulative Supplement,  
 5 2016, is amended to read:

6 79-10,120 (1) The school board or board of education of a Class II,  
 7 III, IV, V, or VI school district may establish a special fund for  
 8 purposes of acquiring sites for school buildings or teacherages,  
 9 purchasing existing buildings for use as school buildings or teacherages,  
 10 including the sites upon which such buildings are located, major  
 11 replacement repairs on existing structures, and the erection, alteration,  
 12 equipping, and furnishing of school buildings or teacherages and  
 13 additions to school buildings for elementary and high school grades and  
 14 for no other purpose. The fund shall be established from the proceeds of  
 15 an annual tax levy, to be determined by the board, ~~of~~ not to exceed (a)  
 16 fourteen cents for tax years beginning prior to the effective date of  
 17 this act or (b) five cents for tax years beginning on or after the  
 18 effective date of this act on each one hundred dollars upon the taxable  
 19 value of all taxable property in the district which shall be in addition  
 20 to any other taxes authorized to be levied for school purposes. Such tax  
 21 shall be levied and collected as are other taxes for school purposes.  
 22 (2) The school board or board of education of a Class II, III, IV,  
 23 V, or VI school district may continue an annual tax established pursuant  
 24 to this section prior to the effective date of this act through school  
 25 fiscal year 2024-25 for any project commenced prior to the effective date

26 of this act. Any annual tax continued pursuant to this subsection shall  
 27 not exceed the rate levied for such project for school fiscal year  
 28 2017-18. The proceeds of any such annual tax shall only be used for the  
 29 project for which the tax was levied. For purposes of this subsection,  
 30 commenced means any action taken by the school board on the record which  
 31 commits the board to expend district funds in planning, constructing, or  
 1 carrying out the project. Any tax authorized pursuant to this subsection  
 2 shall not exceed fourteen cents on each one hundred dollars of taxable  
 3 value when combined with all other taxes imposed pursuant to this  
 4 section.

5 (3) On or before October 1, 2018, the school board or board of  
 6 education of any Class II, III, IV, V, or VI school district that levied  
 7 an annual tax pursuant to this section for school fiscal year 2017-18  
 8 shall file with the Auditor of Public Accounts a statement describing any  
 9 projects for which an annual tax may be continued pursuant to subsection  
 10 (2) of this section, the rate levied for school fiscal year 2017-18  
 11 attributable to each such project, and the anticipated completion date  
 12 for each such project.

13 (4) The proceeds of any annual tax imposed pursuant to this section  
 14 shall be kept separate and apart from other school district funds, except  
 15 that such proceeds may be combined with amounts levied and collected  
 16 under sections 79-1098 to 79-10,101 for the same project.

17 Sec. 6. Section 79-10,126, Revised Statutes Cumulative Supplement,  
 18 2016, is amended to read:

19 79-10,126 For school fiscal year 2017-18 and each school fiscal year  
 20 thereafter, each Class V school district shall establish (1) for the  
 21 general operation of the schools, such fund as will result from an annual  
 22 levy of such rate of tax upon the taxable value of all the taxable  
 23 property in such school district as the board of education determines to  
 24 be necessary for such purpose, (2) ~~funds a fund~~ resulting from ~~an~~ annual  
 25 ~~levies amount of tax~~ to be determined by the board of education pursuant  
 26 ~~to sections 79-1098 to 79-10,101 and 79-10,120 of not to exceed fourteen~~  
 27 ~~cents on each one hundred dollars upon the taxable value of all the~~  
 28 ~~taxable property in the district~~ for the purpose of acquiring sites of  
 29 school buildings and the erection, alteration, equipping, and furnishing  
 30 of school buildings and additions to school buildings, which tax levies  
 31 ~~levy~~ shall be used for no other purposes, and (3) a further fund  
 1 resulting from an annual amount of tax to be determined by the board of  
 2 education to pay interest on and retiring, funding, or servicing of  
 3 bonded indebtedness of the district.

4 Sec. 7. Original sections 79-1082, 79-1098, 79-10,100, and  
 5 79-10,101, Reissue Revised Statutes of Nebraska, and sections 79-10,120  
 6 and 79-10,126, Revised Statutes Cumulative Supplement, 2016, are  
 7 repealed.

8 Sec. 8. The following section is outright repealed: Section  
 9 79-1099, Reissue Revised Statutes of Nebraska.

(Signed) Mike Groene, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 944.** Title read. Considered.

Committee AM1699, found on page 895, was offered.

Senator Bolz offered her amendment, AM2274, found on page 876, to the committee amendment.

**SPEAKER SCHEER PRESIDING****PRESIDENT FOLEY PRESIDING**

Senator Morfeld offered the following motion:

MO259

Bracket until April 18, 2018.

Pending.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 1119.** Placed on Select File.

**LEGISLATIVE BILL 946.** Placed on Select File with amendment.

ER127

1 1. On page 1, lines 2 and 3, strike "for a transfer" and insert ",  
2 change, and eliminate transfer provisions".

(Signed) Anna Wishart, Chairperson

**COMMITTEE REPORT(S)**

Transportation and Telecommunications

**LEGISLATIVE BILL 909.** Placed on General File with amendment.

AM2284 is available in the Bill Room.

(Signed) Curt Friesen, Chairperson

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 349.** Introduced by Vargas, 7.

WHEREAS, Cesar Chavez was born on March 31, 1927, on a family farm near Yuma, Arizona; and

WHEREAS, after losing the farm during the Great Depression, Cesar Chavez became a migrant farm worker at the age of 10 in California, and was forced to leave school to help support his family; and



WHEREAS, Cesar Chavez served our nation in the United States Navy before returning to California, where he married Helen Fabela and raised eight children; and

WHEREAS, in 1949, Cesar Chavez began advocating for civil rights and labor rights for farm workers in Delano, California, campaigning for fair wages, better working and living conditions, and fighting against the use of child labor; and

WHEREAS, in 1952, he joined the Community Service Organization, becoming the national director in 1958, where he began his campaign for workers' rights by encouraging the Latinx community to register and exercise their right to vote; and

WHEREAS, in 1962, Cesar Chavez co-founded the National Farm Workers Association with Dolores Huerta, which later expanded nationally to become the United Farm Workers of America; and

WHEREAS, Cesar Chavez was a leader of non-violent protests, boycotts, and strikes that rallied millions to "La Causa," including a five-year grape-pickers' strike that, in 1970, was successful in gaining fair wages for thousands of workers; and

WHEREAS, the work of Cesar Chavez's national and international campaigns led to the abolishment of the Bracero Program, which resulted in higher wages and improved safety, health, and other working conditions for farm workers, brought attention to discrimination faced by farm workers, and established collective bargaining agreements that covered an estimated 80,000 farm workers across the nation; and

WHEREAS, Cesar Chavez held fasts as a peaceful tactic to continue to bring attention to the plight of farm workers in the United States; and

WHEREAS, Cesar Chavez passed away on April 23, 1993, at the age of 66 in Arizona and more than 50,000 people attended his funeral at the United Farm Workers of America headquarters in Keene, California; and

WHEREAS, on August 8, 1994, Cesar Chavez was posthumously awarded the Presidential Medal of Freedom by President Bill Clinton, and portraits and artwork depicting Chavez now hang in the National Portrait Gallery in Washington, D.C.; and

WHEREAS, the legacy of Cesar Chavez lives on in the mission of the United Farm Workers of America, the continued work and advocacy of his descendants, and the millions of people around the world who continue his peaceful calls for a more just and equal society and are inspired by his leadership to work for improvements in workers' rights, human rights, and civil rights worldwide.

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

1. That the Nebraska Legislature joins numerous states and communities by designating March 31, 2018, as Cesar Chavez Day in Nebraska.

2. That the Nebraska Legislature recognizes the accomplishments and service of farm workers in Nebraska and across the country.

3. That the Nebraska Legislature encourages Nebraskans to participate in community service projects and events to celebrate Cesar Chavez's life and work.

Laid over.

**LEGISLATIVE RESOLUTION 350.** Introduced by Vargas, 7.

WHEREAS, Dolores Huerta was born on April 10, 1930, in the mining town of Dawson, New Mexico; and

WHEREAS, Dolores Huerta is the daughter of Juan Fernandez, a coal miner and migrant laborer who harvested beets in Nebraska and went on to become a legislator in New Mexico, and Alicia Chavez, a businesswoman who owned a hotel and restaurant; and

WHEREAS, Dolores Huerta became interested in civil rights as a young girl after observing her mother welcome low-wage workers and farm worker families into her hotel and participate in community affairs, civic organizations, and church; and

WHEREAS, Dolores Huerta became involved in school activities in high school and was a dedicated member of the Girl Scouts until the age of 18; and

WHEREAS, upon graduating high school, Dolores Huerta went on to earn a provisional teaching credential and, after seeing her students come to school hungry and without shoes, left the classroom to help found the Stockton Chapter of the Community Service Organization and fight for economic improvements for Latinx workers and families; and

WHEREAS, in 1955, Dolores Huerta met Community Service Organization Executive Director Cesar Chavez. They went on to co-found the National Farm Workers Association, which later expanded nationally to become the United Farm Workers of America (UFW); and

WHEREAS, in 1963, the organizing efforts of Dolores Huerta were successful in securing Aid for Dependent Families and disability insurance for farm workers in California; and

WHEREAS, the advocacy efforts of Dolores Huerta led to the enactment of the Agricultural Labor Relations Act of 1975, which granted farm workers in California the right to collectively organize and bargain for better wages and working conditions; and

WHEREAS, despite her personal belief in nonviolence, Dolores Huerta was assaulted while protesting against the policies of then-presidential candidate George H.W. Bush in San Francisco in 1988. She was beaten with a baton by a police officer, who broke her ribs and shattered her spleen, which led the San Francisco Police Department to change its crowd control and officer discipline policies; and

WHEREAS, throughout her life, Dolores Huerta has been a strong advocate for equality for women, traveling the United States to encourage Latina women to run for office and serving as an honorary co-chair of the historic Women's March on Washington on January 21, 2017; and

WHEREAS, in 2012, Dolores Huerta was awarded the Presidential Medal of Freedom, the highest civilian award in the United States, by President Barack Obama, and portraits and artwork depicting Huerta hang in the National Portrait Gallery in Washington, D.C.; and

WHEREAS, at the age of 87, Dolores Huerta continues her work with the Dolores Huerta Foundation, established in 2002, to develop leaders and advocate for the working poor, women, and children; and

WHEREAS, Dolores Huerta is the mother of eleven children, the grandmother of fifteen children, and the great-grandmother of seven children, and the most widely acclaimed Mexican-American woman of our time and has been an unparalleled community organizer and activist for the last 50 years who continues to inspire millions of people across the world.

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

1. That the Legislature designates April 10, 2018, as Dolores Huerta Day in Nebraska.
2. That the Legislature recognizes the accomplishments and service of farm workers in this state and across the country.
3. That the Legislatures encourages Nebraskans to participate in community service projects and events to celebrate Dolores Huerta's life and work.

Laid over.

### **VISITORS**

Visitors to the Chamber were 30 middle school students and teacher from St. Mary's School, Lincoln; student pharmacists from Creighton University School of Pharmacy and UNMC College of Pharmacy; 29 fourth- and fifth-grade students and sponsors from Sacred Heart School, Falls City; and members of the UNL Graduate Leadership Class.

### **RECESS**

At 5:58 p.m., on a motion by Senator Clements, the Legislature recessed until 6:30 p.m.

### **AFTER RECESS**

The Legislature reconvened at 6:30 p.m., President Foley presiding.

### **ROLL CALL**

The roll was called and all members were present except Senator Crawford who was excused; and Senators Groene, Hansen, Howard, and Wishart who were excused until they arrive.

### **GENERAL FILE**

**LEGISLATIVE BILL 944.** The Morfeld motion, MO259, found in this day's Journal, to bracket until April 18, 2018, was renewed.

**SPEAKER SCHEER PRESIDING****PRESIDENT FOLEY PRESIDING**

Senator Morfeld withdrew his motion to bracket.

Senator Bolz withdrew her amendment, AM2274, found on page 876 and considered in this day's Journal.

Senator Stinner offered the following motion:

MO261

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Stinner moved for a call of the house. The motion prevailed with 35 ayes, 1 nay, and 13 not voting.

Senator Stinner requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 33:

Albrecht	Clements	Hilkemann	Lowe	Stinner
Baker	Ebke	Hughes	McDonnell	Thibodeau
Bolz	Friesen	Kolowski	Murante	Watermeier
Bostelman	Geist	Kolterman	Quick	Williams
Brasch	Groene	Kuehn	Riepe	Wishart
Brewer	Halloran	Lindstrom	Scheer	
Briese	Hilgers	Linehan	Smith	

Voting in the negative, 3:

Chambers	Morfeld	Pansing Brooks
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Present and not voting, 12:

Blood	Harr	Larson	Vargas
Erdman	Howard	McCollister	Walz
Hansen	Krist	Schumacher	Wayne

Excused and not voting, 1:

Crawford

The Stinner motion to invoke cloture prevailed with 33 ayes, 3 nays, 12 present and not voting, and 1 excused and not voting.

The committee amendment, AM1699, was adopted with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 38:

Albrecht	Ebke	Hughes	McDonnell	Thibodeau
Baker	Geist	Kolowski	Murante	Vargas
Bolz	Groene	Kolterman	Quick	Walz
Bostelman	Halloran	Kuehn	Riepe	Watermeier
Brasch	Hansen	Lindstrom	Scheer	Williams
Brewer	Harr	Linehan	Schumacher	Wishart
Briese	Hilgers	Lowe	Smith	
Clements	Hilkemann	McCollister	Stinner	

Voting in the negative, 6:

Chambers	Larson	Pansing Brooks
Erdman	Morfeld	Wayne

Present and not voting, 4:

Blood	Friesen	Howard	Krist
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Excused and not voting, 1:

Crawford

Advanced to Enrollment and Review Initial with 38 ayes, 6 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 950.** Title read. Considered.

Committee AM2359, found on page 929, was offered.

Senator Chambers offered the following motion:

MO262

Bracket until April 18, 2018.

Pending.

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

Senator Pansing Brooks filed the following amendment to LB944:

AM2346

(Amendments to Standing Committee amendments, AM1699)

1 1. On page 48, strike lines 5 through 18.

Senator Erdman filed the following amendment to LB944:

AM2405

(Amendments to Standing Committee amendments, AM1699)

- 1 1. On page 66, lines 3 and 4, strike "574,745,874" and insert
- 2 "557,329,332".

Senator Erdman filed the following amendment to LB944:

AM2407

(Amendments to Standing Committee amendments, AM1699)

- 1 1. On page 66, lines 3 and 4, strike "574,745,874" and insert
- 2 "557,329,332".

Senator Schumacher filed the following amendment to LB944:

AM2356

(Amendments to Standing Committee amendments, AM1699)

- 1 1. Insert the following new section:
- 2 Section 1. Section 68-911, Revised Statutes Cumulative Supplement,
- 3 2016, is amended to read:
- 4 68-911 (1) Medical assistance shall include coverage for health care
- 5 and related services as required under Title XIX of the federal Social
- 6 Security Act, including, but not limited to:
- 7 (a) Inpatient and outpatient hospital services;
- 8 (b) Laboratory and X-ray services;
- 9 (c) Nursing facility services;
- 10 (d) Home health services;
- 11 (e) Nursing services;
- 12 (f) Clinic services;
- 13 (g) Physician services;
- 14 (h) Medical and surgical services of a dentist;
- 15 (i) Nurse practitioner services;
- 16 (j) Nurse midwife services;
- 17 (k) Pregnancy-related services;
- 18 (l) Medical supplies;
- 19 (m) Mental health and substance abuse services; and
- 20 (n) Early and periodic screening and diagnosis and treatment
- 21 services for children which shall include both physical and behavioral
- 22 health screening, diagnosis, and treatment services.
- 23 (2) In addition to coverage otherwise required under this section,
- 24 medical assistance may include coverage for health care and related
- 25 services as permitted but not required under Title XIX of the federal
- 26 Social Security Act, including, but not limited to:
- 1 (a) Prescribed drugs;
- 2 (b) Intermediate care facilities for persons with developmental
- 3 disabilities;
- 4 (c) Home and community-based services for aged persons and persons
- 5 with disabilities;
- 6 (d) Dental services;
- 7 (e) Rehabilitation services;
- 8 (f) Personal care services;

- 9 (g) Durable medical equipment;  
 10 (h) Medical transportation services;  
 11 (i) Vision-related services;  
 12 (j) Speech therapy services;  
 13 (k) Physical therapy services;  
 14 (l) Chiropractic services;  
 15 (m) Occupational therapy services;  
 16 (n) Optometric services;  
 17 (o) Podiatric services;  
 18 (p) Hospice services;  
 19 (q) Mental health and substance abuse services;  
 20 (r) Hearing screening services for newborn and infant children; and  
 21 (s) Administrative expenses related to administrative activities,  
 22 including outreach services, provided by school districts and educational  
 23 service units to students who are eligible or potentially eligible for  
 24 medical assistance.
- 25 (3) No later than July 1, 2009, the department shall submit a state  
 26 plan amendment or waiver to the federal Centers for Medicare and Medicaid  
 27 Services to provide coverage under the medical assistance program for  
 28 community-based secure residential and subacute behavioral health  
 29 services for all eligible recipients, without regard to whether the  
 30 recipient has been ordered by a mental health board under the Nebraska  
 31 Mental Health Commitment Act to receive such services.
- 1 (4) On or before October 1, 2014, the department, after consultation  
 2 with the State Department of Education, shall submit a state plan  
 3 amendment to the federal Centers for Medicare and Medicaid Services, as  
 4 necessary, to provide that the following are direct reimbursable services  
 5 when provided by school districts as part of an individualized education  
 6 program or an individualized family service plan: Early and periodic  
 7 screening, diagnosis, and treatment services for children; medical  
 8 transportation services; mental health services; nursing services;  
 9 occupational therapy services; personal care services; physical therapy  
 10 services; rehabilitation services; speech therapy and other services for  
 11 individuals with speech, hearing, or language disorders; and vision-  
 12 related services.
- 13 (5) No later than September 1, 2018, the department shall submit a  
 14 state plan amendment to the federal Centers for Medicare and Medicaid  
 15 Services for the purpose of providing medical assistance for family  
 16 planning services for persons whose family's earned income is at or below  
 17 one hundred eighty-five percent of the federal poverty level as permitted  
 18 under section 1902(a)(10)(A)(ii)(XXI) of the federal Social Security Act,  
 19 as amended, 42 U.S.C. 1396a(a)(10)(A)(ii)(XXI), as such act and section  
 20 existed on January 1, 2018.
- 21 (6) For purposes of this section, family planning services shall be  
 22 consistent with 42 U.S.C. 1396a(a)(10)(G)(XVI) and includes coverage,  
 23 without imposition of utilization controls, of: All United States Food  
 24 and Drug Administration-approved family planning methods, including the  
 25 drug or device, insertion or provision, and removal; screening and  
 26 treatment for cervical and breast cancers, including cancer prevention

27 vaccinations; interpersonal violence screening and prevention; and  
 28 follow-up family planning appointments and counseling. To the extent  
 29 permitted by federal law without jeopardizing federal funding, family  
 30 planning services also includes, but is not limited to, training in the  
 31 responsibilities of parenthood and education in the financial, career,  
 1 and generational implications of pregnancy and child rearing.  
 2 (7) No state funds shall be utilized to pay for elective abortion  
 3 services.  
 4 2. Renumber the remaining sections and correct the repealer and  
 5 internal references accordingly.

Senator Bolz filed the following amendment to LB944:  
 AM2408

(Amendments to Standing Committee amendments, AM1699)

1 1. On page 48, strike lines 5 through 18 and insert:  
 2 "No funds appropriated or distributed under the Federal Title X  
 3 program shall be used for abortion or abortion counseling.  
 4 No funds shall be granted to an organization that performs, assists  
 5 with the performance of, or provides directive counseling in favor of  
 6 abortion. Organizations may provide neutral, factual information,  
 7 nondirective counseling, or referral upon request. An otherwise qualified  
 8 organization shall not be disqualified from receipt of Title X funds when  
 9 the organization can demonstrate objective independence. Objective  
 10 independence includes legal, physical, and financial separation between  
 11 the provision of abortion services and the services provided with Title X  
 12 funds.  
 13 It is the intent of the Legislature that Title X funds shall be  
 14 distributed statewide and that the Department of Health and Human  
 15 Services shall ensure that a network is maintained that is sufficient in  
 16 numbers and types of providers to assure that Title X services will be  
 17 accessible without unreasonable delay."

Senator Bolz filed the following amendment to LB944:  
 AM2410

(Amendments to Final Reading copy)

1 1. On page 48, strike lines 5 through 18 and insert:  
 2 "No funds appropriated or distributed under the Federal Title X  
 3 program shall be used for abortion or abortion counseling.  
 4 No funds shall be granted to an organization that performs, assists  
 5 with the performance of, or provides directive counseling in favor of  
 6 abortion. Organizations may provide neutral, factual information,  
 7 nondirective counseling, or referral upon request. An otherwise qualified  
 8 organization shall not be disqualified from receipt of Title X funds when  
 9 the organization can demonstrate objective independence. Objective  
 10 independence includes legal, physical, and financial separation between  
 11 the provision of abortion services and the services provided with Title X  
 12 funds.  
 13 It is the intent of the Legislature that Title X funds shall be  
 14 distributed statewide and that the Department of Health and Human



15 Services shall ensure that a network is maintained that is sufficient in  
 16 numbers and types of providers to assure that Title X services will be  
 17 accessible without unreasonable delay.".

Senator Chambers filed the following amendment to LB944:  
 FA116  
 Amend AM1699  
 Page 48, line 5 strike "Pursuant to" and insert "In accord with".

Senator Chambers filed the following amendment to LB944:  
 FA117  
 Amend AM1699  
 Page 48, line 18 following the period insert, "This provision is designed to  
serve as a campaign issue in the Governor's bid for reelection." .

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

Senator Chambers filed the following motion to LB944:  
 MO260  
 Recommit to the Appropriations Committee.

**MOTION - Adjournment**

Senator Baker moved to adjourn until 9:00 a.m., Wednesday, March 14, 2018.

Senator Wayne moved for a call of the house. The motion prevailed with 22 ayes, 3 nays, and 24 not voting.

Senator Watermeier requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 2:

Baker            Pansing Brooks

Voting in the negative, 38:

Albrecht	Erdman	Kolterman	Murante	Vargas
Blood	Friesen	Krist	Quick	Walz
Bolz	Geist	Kuehn	Riepe	Watermeier
Brasch	Halloran	Lindstrom	Scheer	Wayne
Brewer	Hansen	Linehan	Schumacher	Williams
Briese	Harr	Lowe	Smith	Wishart
Chambers	Hilgers	McCollister	Stinner	
Clements	Hughes	McDonnell	Thibodeau	

Present and not voting, 4:

Bostelman    Ebke            Groene        Howard

Excused and not voting, 5:

Crawford      Hilkemann      Kolowski      Larson      Morfeld

The Baker motion to adjourn failed with 2 ayes, 38 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

### GENERAL FILE

**LEGISLATIVE BILL 950.** Senator Chambers renewed his motion, MO262, found in this day's Journal, to bracket until April 18, 2018.

Senator Chambers moved for a call of the house. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 41:

Albrecht	Erdman	Krist	Pansing Brooks	Walz
Blood	Friesen	Kuehn	Quick	Watermeier
Bolz	Geist	Lindstrom	Riepe	Wayne
Bostelman	Groene	Linehan	Scheer	Williams
Brasch	Halloran	Lowe	Schumacher	Wishart
Brewer	Hansen	McCollister	Smith	
Briese	Harr	McDonnell	Stinner	
Clements	Hughes	Morfeld	Thibodeau	
Ebke	Kolterman	Murante	Vargas	

Present and not voting, 1:

Chambers

Excused and not voting, 7:

Baker      Hilgers      Howard      Larson  
Crawford      Hilkemann      Kolowski

The Chambers motion to bracket failed with 0 ayes, 41 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO263

Reconsider the vote taken to bracket.

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 5 nays, and 32 not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 40:

Albrecht	Ebke	Kolterman	Morfeld	Stinner
Blood	Erdman	Krist	Murante	Thibodeau
Bolz	Friesen	Kuehn	Pansing Brooks	Vargas
Bostelman	Geist	Lindstrom	Quick	Walz
Brasch	Halloran	Linehan	Riepe	Watermeier
Brewer	Hansen	Lowe	Scheer	Wayne
Briese	Harr	McCollister	Schumacher	Williams
Clements	Hughes	McDonnell	Smith	Wishart

Present and not voting, 1:

Chambers

Excused and not voting, 8:

Baker	Groene	Hilkemann	Kolowski
Crawford	Hilgers	Howard	Larson

The Chambers motion to reconsider failed with 0 ayes, 40 nays, 1 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO264

Recommit to the Business and Labor Committee.

Senator Chambers withdrew his motion to recommit to committee.

The committee amendment, AM2359, was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

**VISITORS**

The Doctor of the Day was Dr. Trisha Sams from Utica.

**ADJOURNMENT**

At 11:35 p.m., on a motion by Senator Walz, the Legislature adjourned until 9:00 a.m., Wednesday, March 14, 2018.

Patrick J. O'Donnell  
Clerk of the Legislature