

FORTY-NINTH DAY - MARCH 27, 2019

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION**

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 27, 2019

PRAYER

The prayer was offered by Pastor Perry Gauthier, Capitol Ministries of Nebraska, Lincoln.

ROLL CALL

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

The roll was called and all members were present except Senators Cavanaugh, Dorn, Morfeld, Murman, Pansing Brooks, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

BILL ON FIRST READING

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

LEGISLATIVE BILL 137A. Introduced by Blood, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 137, One Hundred Sixth Legislature, First Session, 2019.

AMENDMENT(S) - Print in Journal

Senator Kolowski filed the following amendment to LB619:
AM957

(Amendments to Standing Committee amendments, AM287)

1 1. Strike lines 16 through 19 and insert the following new
2 subsection:

3 (3) Nothing in this section shall:

4 (a) Require an insurer offering a health insurance policy to pay for

5 mental health services that are otherwise excluded from such health

6 insurance policy;
7 (b) Require an insurer offering a health insurance policy to pay for
8 mental health services that are provided by an individual employed by or
9 under contract with a school district or an educational service unit in a
10 regular full-time or part-time position; or
11 (c) Prevent application of any other provision of such health
12 insurance policy.

Senator Hunt filed the following amendment to LB169:

FA35

Page 1, line 11 strike "utilization" insert "use".

COMMITTEE REPORT(S)

Transportation and Telecommunications

LEGISLATIVE BILL 693. Placed on General File.

(Signed) Curt Friesen, Chairperson

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 45, 46, 47, and 48 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 45, 46, 47, and 48.

GENERAL FILE

LEGISLATIVE BILL 169. Senator Hunt withdrew her amendment, FA25, found on page 952.

Senator Hunt offered her amendment, AM922, found on page 948, to the committee amendment.

Senator Chambers offered the following motion:

MO27

Recommit to the Health and Human Services Committee.

Senator Chambers withdrew his motion to recommit to committee.

Senator Chambers offered the following motion:

MO28

Bracket until April 15, 2019.

Senator Chambers withdrew his motion to bracket.

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 390. Placed on Select File with amendment.
ER58

1 1. On page 1, lines 2 and 3, strike "Nebraska Commission on Law
2 Enforcement and Criminal Justice" and insert "State Department of
3 Education".

LEGISLATIVE BILL 320. Placed on Select File with amendment.
ER61

1 1. On page 25, line 18, after "C.F.R." insert "part".
2 2. On page 27, line 13, strike "171.5" and insert "171.105".
3 3. On page 33, line 27, strike "section 2-2642" and insert "this
4 section".

LEGISLATIVE BILL 603. Placed on Select File.

LEGISLATIVE BILL 713. Placed on Select File.

LEGISLATIVE BILL 316. Placed on Select File with amendment.
ER59

1 1. On page 1, strike beginning with "adopt" in line 1 through line 2
2 and insert "provide duties for pharmacists and contracted pharmacies
3 regarding disclosure of cost, price, or copayment of prescription drugs;
4 to prohibit insurers from requiring excessive payments as prescribed; and
5 to define terms."

LEGISLATIVE BILL 218. Placed on Select File with amendment.
ER60

1 1. On page 1, line 2, strike "77-105" and insert "77-103, 77-117,";
2 in line 3 strike "tangible personal" and insert "real"; and in line 4
3 after the first semicolon insert "to harmonize provisions;"

LEGISLATIVE BILL 59. Placed on Select File.

LEGISLATIVE BILL 514. Placed on Select File.

(Signed) Julie Slama, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 334A. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 334, One Hundred Sixth Legislature, First Session, 2019.

COMMITTEE REPORT(S)

Education

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

Greg Adams - Nebraska Educational Telecommunications Commission
Patricia Kircher - Nebraska Educational Telecommunications Commission
Paul Turman - Nebraska Educational Telecommunications Commission

Aye: 7 Brewer, Groene, Linehan, Morfeld, Murman, Pansing Brooks, Walz.
Nay: 0. Absent: 1 Kolowski. Present and not voting: 0.

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

John Chaney - Board of Trustees of the Nebraska State Colleges
Robert Engles - Board of Trustees of the Nebraska State Colleges

Aye: 7 Brewer, Groene, Linehan, Morfeld, Murman, Pansing Brooks, Walz.
Nay: 0. Absent: 1 Kolowski. Present and not voting: 0.

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

Dwayne B. Probyn - Board of Educational Lands and Funds

Aye: 7 Brewer, Groene, Linehan, Morfeld, Murman, Pansing Brooks, Walz.
Nay: 0. Absent: 1 Kolowski. Present and not voting: 0.

(Signed) Mike Groene, Chairperson

GENERAL FILE

LEGISLATIVE BILL 169. The Hunt amendment, AM922, found on page 948 and considered in this day's Journal, to the committee amendment, was renewed.

Senator Hunt offered the following motion:

MO29

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Hunt moved for a call of the house. The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

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

Voting in the affirmative, 28:

| | | | | |
|-----------|------------|-------------|----------------|----------|
| Blood | DeBoer | Kolowski | Morfeld | Walz |
| Bolz | Friesen | Kolterman | Pansing Brooks | Wayne |
| Brandt | Hansen, M. | Lathrop | Quick | Williams |
| Cavanaugh | Hilkemann | Lindstrom | Scheer | Wishart |
| Chambers | Howard | McCollister | Stinner | |
| Crawford | Hunt | McDonnell | Vargas | |

Voting in the negative, 16:

| | | | |
|-----------|----------|----------|----------|
| Albrecht | Clements | Groene | La Grone |
| Bostelman | Dorn | Halloran | Lowe |
| Brewer | Erdman | Hilgers | Moser |
| Briese | Gragert | Hughes | Slama |

Present and not voting, 5:

| | | | | |
|------|-------|------------|---------|--------|
| Arch | Geist | Hansen, B. | Linehan | Murman |
|------|-------|------------|---------|--------|

The Hunt motion to invoke cloture failed with 28 ayes, 16 nays, and 5 present and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 87. Title read. Considered.

Senator Chambers offered the following motion:

MO30

Bracket until April 15, 2019.

SENATOR WILLIAMS PRESIDING

Senator Chambers withdrew his motion to bracket.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

COMMITTEE REPORT(S)

Agriculture

LEGISLATIVE BILL 304. Placed on General File with amendment.

AM990

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

2 sections:

3 Section 1. Section 81-2,239, Revised Statutes Cumulative Supplement,

4 2018, is amended to read:

5 81-2,239 Sections 81-2,239 to 81-2,292 and section 3 of this act and
6 the provisions of the Food Code and the Current Good Manufacturing
7 Practice In Manufacturing, Packing, or Holding Human Food adopted by
8 reference in sections 81-2,257.01 and 81-2,259, shall be known and may be
9 cited as the Nebraska Pure Food Act.

10 Sec. 2. Section 81-2,245.01, Revised Statutes Cumulative Supplement,
11 2018, is amended to read:

12 81-2,245.01 Food establishment shall mean an operation that stores,
13 prepares, packages, serves, sells, vends, delivers, or otherwise provides
14 food for human consumption. The term does not include:

15 (1) An establishment or vending machine operation that offers only
16 prepackaged soft drinks, carbonated or noncarbonated; canned or bottled
17 fruit and vegetable juices; prepackaged ice; candy; chewing gum; potato
18 or corn chips; pretzels; cheese puffs and curls; crackers; popped
19 popcorn; nuts and edible seeds; and cookies, cakes, pies, and other
20 pastries, that are not time/temperature control for safety foods;

21 (2) A produce stand that only offers whole, uncut fresh fruits and
22 vegetables;

23 (3) A food processing plant;

24 (4) A salvage operation;

25 (5) A private home where food is prepared or served for personal
26 use, a small day care in the home, or a hunting lodge, guest ranch, or
27 other operation where no more than ten paying guests eat meals in the
1 home;

2 (6) A private home or other area where food that is not time/
3 temperature control for safety food is prepared ~~for~~ ~~(a) For~~ sale or
4 service at a religious, charitable, or fraternal organization's bake sale
5 or similar function; ~~or~~

6 (7) A private home or other area where food that is not time/
7 temperature control for safety food is prepared (b) for sale directly to
8 the consumer including, but not limited to, at a farmers market, fair,
9 festival, craft show, or other public event or for pick up at or delivery
10 from such private home or other area, if: ~~the~~

11 (a) The consumer is informed by a clearly visible notification
12 placard at the sale location that the food was prepared in a kitchen that
13 is not subject to regulation and inspection by the regulatory authority
14 and may contain allergens. For sales conducted at a farmers market, fair,
15 festival, craft show, or other public event, such notification shall be
16 at the sale location. For sales conducted for pick up at or deliver from
17 a private home or other area, such notification shall be at such private
18 home or other area, on the producer's web site if one exists, and in any
19 print, radio, television, or Internet advertisement for such sales;

20 (b) The name and address of the producer is provided to the consumer
21 on the package or container label;

22 (c) Product delivery is made directly from the producer to the
23 actual customer in a person-to-person transaction or by United States
24 mail or a commercial mail delivery service;

25 (d) The producer follows any food safety and handling guidelines for
26 sale at a farmers market, fair, festival, craft show, or other public

27 event required by the county, city, or village where the food is sold;
28 (e) Prior to conducting any food sales, the producer, other than one
29 selling directly to the consumer at a farmers market, has successfully
30 completed (i) a nationally accredited food safety and handling education
31 course that covers topics such as food safety issues, regulations, and
1 techniques to maintain a food-safe environment or (ii) a certified food
2 safety and handling training course offered at a culinary school or as
3 required by a county, city, or village to obtain a food handler permit;
4 (f) The producer, if using private well water to produce food sold
5 under this subdivision (7), has had such well water tested for
6 contamination by nitrates or bacteria prior to conducting any food
7 production and sales; and
8 (g) The producer complies with section 3 of this act;
9 (8) (7) A private home or other area where food is prepared for
10 distribution at a fundraising event for a charitable purpose if the
11 consumer is informed by a clearly visible placard at the serving location
12 that the food was prepared in a kitchen that is not subject to regulation
13 and inspection by the regulatory authority. This subdivision does not
14 apply to a caterer or other establishment providing food for the event if
15 the caterer or establishment receives compensation for providing the
16 food;
17 (9) (8) The location where food prepared by a caterer is served so
18 long as the caterer only minimally handles the food at the serving
19 location;
20 (10) (9) Educational institutions, health care facilities, nursing
21 homes, and governmental organizations which are inspected by a state
22 agency or a political subdivision other than the regulatory authority for
23 sanitation in the food preparation areas;
24 (11) (10) A pharmacy as defined in section 71-425 if the pharmacy
25 only sells prepackaged pharmaceutical, medicinal, or health supplement
26 foods that are not time/temperature control for safety or foods described
27 in subdivision (1) of this section; and
28 (12) (11) An establishment which is not a commercial food
29 establishment and which sells only commercially packaged foods that are
30 not time/temperature control for safety foods.
31 Sec. 3. A producer of food described in subdivision (7) of section
1 81-2,245.01 shall register with the department prior to conducting any
2 sales of food. The registration shall be made on forms prescribed by the
3 department and include (1) the name, address, and telephone number of the
4 producer, (2) the type of food safety and handling education or training
5 course taken and the date of its successful completion, and (3) proof of
6 private well water testing pursuant to subdivision (7)(f) of section
7 81-2,245.01, if applicable. This section shall not apply to a producer of
8 food selling directly to the consumer at a farmers market.
9 Sec. 4. Original sections 81-2,239 and 81-2,245.01, Revised Statutes
10 Cumulative Supplement, 2018, are repealed.

(Signed) Steve Halloran, Chairperson

Appropriations

LEGISLATIVE BILL 694. Placed on General File with amendment.
AM983

1 1. On page 2, line 13, after the period insert "Political
2 subdivisions, local housing authorities, community action agencies, and
3 community-based, neighborhood-based, and reservation-based nonprofit
4 organizations shall not be required to provide, or cause to be provided,
5 such matching funds.".

(Signed) John Stinner, Chairperson

MESSAGE(S) FROM THE GOVERNOR

March 27, 2019

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 141, 318, 339, 340, 354, 354A, 399, 443, and 463 were received in my office on March 21, 2019.

These bills were signed and delivered to the Secretary of State on March 27, 2019.

Sincerely,
(Signed) Pete Ricketts
Governor

AMENDMENT(S) - Print in Journal

Senator Erdman filed the following amendment to LB483:
AM973

1 1. On page 7, line 27, strike "in bushels".
2 2. On page 10, line 19, strike "and" and insert an underscored
3 comma; in line 20 after "members" insert ", and shall serve as the
4 board's chairperson"; in line 22 strike ", shall be the board's
5 chairperson"; and strike beginning with "In" in line 26 through line 30.
6 3. On page 11, line 1, strike "on or before June 1, 2019" and insert
7 "within sixty days after the operative date of this section"; and in line
8 6 strike "the remaining members" and insert "those specified in
9 subdivisions (1)(d), (e), and (f) of this section".
10 4. On page 12, line 6, strike "Director of Agriculture" and insert
11 "Tax Commissioner".

Senator Dorn filed the following amendment to LB472:

AM959

1 1. Insert the following new sections:

2 Sec. 5. Any county that imposes a sales and use tax pursuant to the
 3 Qualified Judgment Payment Act shall set its property tax levy at the
 4 maximum levy authorized in section 77-3442 for each year that the county
 5 is imposing such sales and use tax. The county shall use any available
 6 revenue from the imposition of such levy to pay the qualified judgment.

7 Sec. 6. The Qualified Judgment Payment Act terminates on January 1,
 8 2027.

9 2. On page 2, line 1, strike "4" and insert "6"; in line 6 after
 10 "judgment" insert "in excess of twenty-five million dollars"; and in line
 11 29 after "full" insert "or after seven years, whichever is earlier".

12 3. Renumber the remaining sections accordingly.

Senator Brewer filed the following amendment to LB374:

AM980

1 1. On page 2, line 27, strike "twelve to", show as stricken, and
 2 insert "between twelve and".

3 2. On page 3, line 1, strike "A person less than", show as stricken,
 4 and insert "No person under"; in line 2 strike "not" and show as
 5 stricken; in line 3 strike "from twelve to", show as stricken, and insert
 6 "between twelve and"; in line 18 strike "twelve to" and insert "between
 7 twelve and"; in line 20 strike "A person less" and insert "No person
 8 under"; in line 21 strike "than" and "not"; in line 22 strike "from
 9 twelve to" and insert "between twelve and"; and in line 23 after
 10 "sponsored" insert "and supervised".

MOTION(S) - Print in Journal

Senator Wayne filed the following motion to LB595:

MO31

Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne filed the following motion to LB179:

MO32

Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne filed the following motion to LB37:

MO33

Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne filed the following motion to LB462:

MO34

Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne filed the following motion to LB184:

MO35

Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne filed the following motion to LB700:
MO36
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne filed the following motion to LB592:
MO37
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne filed the following motion to LB147:
MO38
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne filed the following motion to LB675:
MO39
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne filed the following motion to LB428:
MO40
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne filed the following motion to LB593:
MO41
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator Wayne filed the following motion to LB606:
MO42
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

VISITOR(S)

Visitors to the Chamber were Sam Baird from Lincoln; students, alumni, and supporters from the University of Nebraska from across the state; students from St. Cecilia Cathedral School, Omaha; John Rundel from the Nebraska Oil and Gas Commission; students from St. Peter School, Lincoln; members of Alpha Kappa Alpha Sorority from Omaha and Lincoln; members of Catholics at the Capitol from across the state; Jayla Gerrard from San Diego, CA; and Steve Tucker from Venango.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator DeBoer, the Legislature adjourned until 9:00 a.m., Thursday, March 28, 2019.

Patrick J. O'Donnell
Clerk of the Legislature